City of North Port

RESOLUTION NO. 2017-R-06

(Vacating a Portion of the Platted Rear Easements)

A RESOLUTION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF THE PLATTED REAR 20-FOOT MAINTENANCE EASEMENT FOR LOT 45, BLOCK 267, FIRST ADDITION TO THE PORT CHARLOTTE SUBDIVISION; PROVIDING FOR FINDINGS; PROVIDING FOR VACATION OF EASEMENTS; PROVIDING FOR CONDITIONS; PROVIDING FOR RECORDING; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Clifton R. Davis and Anna L. Davis, the property owners of Lot 45, Block 267, First Addition to the Port Charlotte Subdivision, did duly petition the City of North Port, Florida to vacate a portion of the platted rear twenty (20) foot maintenance easement located on lot 45 as depicted in Exhibit "D," pursuant to the provisions of Chapter 177, Florida Statutes; and

WHEREAS, the petitioners did file evidence of the publication of "Notice of Intent" (Exhibit "A"), documentation of ownership of said property (Exhibit "B"), and certification that all taxes have been paid by the current property owners, Clifton R. Davis and Anna L. Davis (Exhibit "C"), as required by the provisions of Chapter 177, Florida Statutes; and

WHEREAS, the Petition to Vacate as determined by Neighborhood Development Services, Planning Division: 1) 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; and 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; and

WHEREAS, the Neighborhood Development Services, Planning Division notified affected utilities, which recommended approval of said petition to vacate, through written response; and

WHEREAS, the Planning and Zoning Advisory Board considered the request at a public hearing on February 16, 2017, and recommended to City Commission approval of said petition.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, TO WIT:

SECTION 1—FINDINGS

1.01—That the foregoing clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

SECTION 2— VACATION OF EASEMENTS

2.01— The easements depicted in Exhibit "D," are hereby vacated as follows:

> "A portion of the 20-foot maintenance easement located on lot 45, Block 267, First Addition to Port Charlotte Subdivision, according to the map or plat thereof, as recorded in Plat Book 11, Page(s) 29, 29A-29M, inclusive, of the Public Records of Sarasota County, Florida beginning at the northwest property line commencing eastward approximately 30.10 feet for a length of 40.0 feet and terminating approximately 10.0 feet from the northeast property line and a portion beginning 14.8 feet from the north

property line for a length of 22.0 feet and terminating approximately 88.20 feet from the south property line.

Contains 208 square feet more or less."

2.02 Exhibits "A" – "D," attached hereto, are incorporated as if set forth herein.

SECTION 3—RECORDING

3.01— The City Clerk is hereby directed to file certified copies of this Resolution with the Clerk of the Sarasota County Circuit Court to be duly recorded in the Official Records of said County pursuant to the provisions of Chapter 177, Florida Statutes.

SECTION 4—SEVERABILITY

4.01— If any section, subsection, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5—EFFECTIVE DATE

5.01— This Resolution shall take effect immediately upon its adoption.

PASSED AND DULY ADOPTED by the City Commission of the City of North Port, Florida this _____ day of _____, 2017.

CITY OF NORTH PORT, FLORIDA

_____

LINDA M. YATES
MAYOR

ATTEST:

_____
PATSY C. ADKINS, MMC
CITY CLERK

APPROVED AS TO FORM AND
CORRECTNESS:

_____
MARK MORIARTY
CITY ATTORNEY

Exhibit A

SUN NEWSPAPERS

Charlotte • DeSoto • Englewood • North Port • Venice

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

Before the undersigned authority personally appeared Holly Vinacco, who on oath says that she is legal clerk of the Charlotte Sun, the Englewood Sun, and the North Port Sun, each 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 issue(s) of:

January 16 and 23, 2017

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 publication day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of one 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 said newspaper.

Holly Vinacco
(Signature of Affiant)

Sworn and subscribed before me this 24th day of January, 2017.

Phyls Moll
(Signature of Notary Public)

PHYLIS MOLL
MY COMMISSION # FF 48627
EXPIRES August 27, 2017
(407) 398-0153 FloridaNotaryService.com

Personally known ✓ OR Produced Identification ___

Type of Identification Produced _____

NOTICE OF INTENT
CITY OF NORTH PORT,
SARASOTA COUNTY, FLORIDA
TO WHOM IT MAY CONCERN:
Notice is hereby given pursuant to the provisions of Section 177,101(4), Florida Statues, that Clifton R. Davis and Anna L. Davis property owners, Intends to petition the City of North Port to vacate a portion of the 20 foot rear easement for lot 45, Block 267, 1st Addition of Port Charlotte Subdivision, according to the plat thereof as recorded in Plat-Book 11, Pages 29, 29a through 29j of the Public Records of Sarasota County, Florida.
Publish: January 16 & 23, 2017
339038 3406571

Exhibit B

PREPARED BY AND RETURN TO:
Missty Blaine, an employee of
BURNT STORE TITLE & ESCROW, LLC
150 LAISHLEY COURT, SUITE 122
PUNTA GORDA, FL 33950
File # 16-04832

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2016093004 2 PG(S)
July 27, 2016 12:06:37 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FL

Doc Stamp-Deed: $1,645.00

GENERAL WARRANTY DEED

Executed this 26 day of July, 2016, by **Frank Kuchar and Florence Kuchar, by Frank Kuchar as Attorney in Fact, husband and wife,** whose post office address is: 5226 Palena Blvd., North Port, Florida 34287 hereinafter called the grantor, to

Clifton R. Davis and Anna L. Davis, hereinafter called the grantee, whose post office address is: 4230 Wall Lane, North Port, Florida 34287

(Wherever used herein the terms "grantor" and "grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the grantor, for and in consideration of the sum of $10.00 and/or other valuable consideration, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in County of Sarasota ,State of Florida, to-wit:

Lot 45, Block 267, First Addition to Port Charlotte Subdivision, according to the map or plat thereof, as recorded in Plat Book 11, Page(s) 29, 29A-29M, inclusive, of the Public Records of Sarasota County, Florida.

Parcel ID Number: **0990026745**

Subject to easements, restrictions, reservations, and limitations of record, if any.
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 whomever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2015.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Printed Name Carlos B Oseda

Witness Printed Name Missty M Blaine

Frank Kuchar (Seal)
Frank Kuchar
Address: 5226 Palena Blvd., North Port, Florida 34287

Florence Kuchar by Frank Kuchar (Seal)
Florence Kuchar, by Frank Kuchar as Attorney in Fact as attorney in fact
Address: 5226 Palena Blvd., North Port, Florida 34287

STATE OF Florida
COUNTY OF Sarasota

The foregoing instrument was acknowledged before me, a Notary Public, this 26 day of July, 2016, by **Frank Kuchar and Florence Kuchar, by Frank Kuchar as Attorney in Fact, husband and wife,** who was personally known to me or who has produced Drivers License as identification.

MISSTY M. BLAINE
Notary Public - State of Florida
Commission # FF 942394
My Comm. Expires Dec 9, 2019
Bonded through National Notary Assn.

Notary Public
Print Name: Missty M. Blaine

My Commission Expires: 12-9-2019

(Notary Seal)

Sarasota County Tax Collector

Exhibit C

generated on 11/26/2016 10:32:44 AM EST

Payment Receipt

Your payment has been processed successfully.

IMPORTANT! For future reference, please print this page to document the payment information on this screen.

Sarasota County Tax Collector

9055001126201610323044
11/26/2016 10:32:30 AM EST
Electronic Check

2016 Taxes for 0990026745		$2,249.31
		$2,249.31
	Credit Card Fee	$0.00
		$2,249.31

Exhibit D

LEGEND

- □ = CONCRETE MONUMENT FOUND. (SIZE & I.D. NOTED)
- ● = 5/8" CAPPED IRON ROD SET (L.B. #6639)
- ⊗ = 5/8" IRON ROD FOUND (I.D. NOTED)
- ○ = 5/8" IRON ROD FOUND (NO I.D.)
- ⊕ = NAIL & DISK (I.D. NOTED)
- ◉ = FOUND METAL DISK (I.D. NOTED)
- ⬠ = 1/2" IRON PIPE FOUND (NO I.D.)
- ▼ = SURVEY NAIL
- (P) = PLAT DIMENSION
- (M) = MEASURED DIMENSION
- (C) = CALCULATED DIMENSION
- (D) = DEEDED DIMENSION
- U. & D. = UTILITY & DRAINAGE
- L.B. = LICENSED SURVEYOR BUSINESS
- L.S. = LAND SURVEYOR
- P.C. = POINT OF CURVATURE
- P.T. = POINT OF TANGENCY
- P.I. = POINT OF INTERSECTION
- C.M. = CONC. MONUMENT
- R/W = RIGHT-OF-WAY
- C/L = CENTER LINE
- T.B.M. = TEMPORARY BENCH MARK
- F.F. = FINISHED FLOOR
- GAR. = GARAGE ELEVATION
- EL., ELEV. = ELEVATION
- +0.0' = ELEVATION
- N.G.V.D. = NATIONAL GEODETIC VERTICAL DATUM
- F.I.R.M. = FLOOD INSURANCE RATE MAP
- INV. = INVERT ELEVATION
- R.C.P. = REINFORCED CONCRETE PIPE
- -OHL- = OVERHEAD UTILITY LINES
- (TYP.) = TYPICAL
- CONC. = CONCRETE
- I.D. = IDENTIFICATION
- A/C = AIR CONDITIONER
- ∅ = UTILITY POLE
- Ⓒ = CABLE TELEVISION RISER
- Ⓦ = WELL
- Ⓔ = ELECTRIC SERVICE
- (8.0) = PROPOSED ELEVATION
- ~~~> = DRAINAGE FLOW ARROW

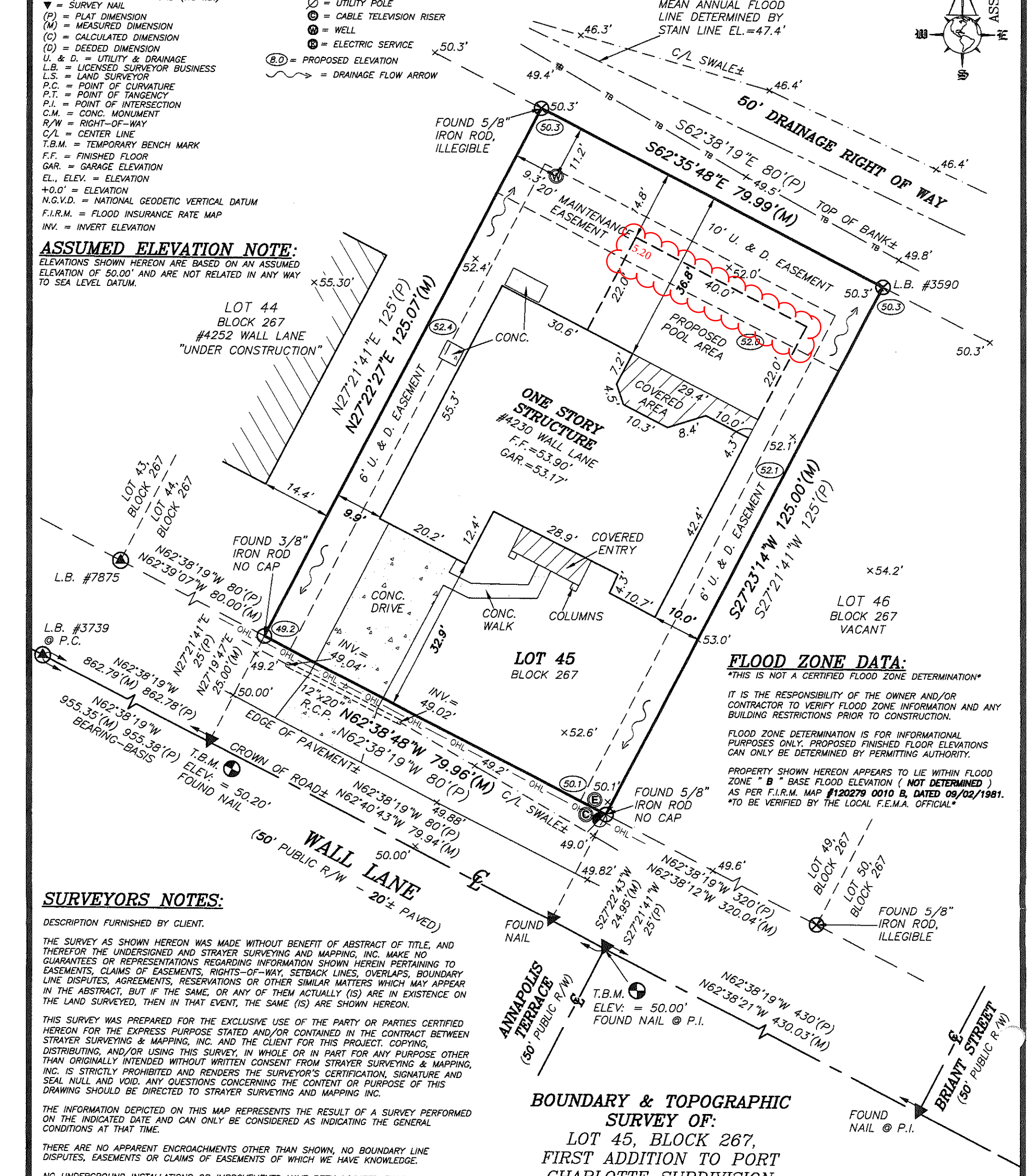
ASSUMED ELEVATION NOTE:

ELEVATIONS SHOWN HEREON ARE BASED ON AN ASSUMED ELEVATION OF 50.00' AND ARE NOT RELATED IN ANY WAY TO SEA LEVEL DATUM.

SECTION 27, TOWNSHIP 39S., RANGE 21E.

0 20 40

SCALE 1" = 20'



FLOOD ZONE DATA:

THIS IS NOT A CERTIFIED FLOOD ZONE DETERMINATION

IT IS THE RESPONSIBILITY OF THE OWNER AND/OR CONTRACTOR TO VERIFY FLOOD ZONE INFORMATION AND ANY BUILDING RESTRICTIONS PRIOR TO CONSTRUCTION.

FLOOD ZONE DETERMINATION IS FOR INFORMATIONAL PURPOSES ONLY. PROPOSED FINISHED FLOOR ELEVATIONS CAN ONLY BE DETERMINED BY PERMITTING AUTHORITY.

PROPERTY SHOWN HEREON APPEARS TO LIE WITHIN FLOOD ZONE " **B** " BASE FLOOD ELEVATION (**NOT DETERMINED**) AS PER F.I.R.M. MAP **#120279 0010 B, DATED 09/02/1981.**
TO BE VERIFIED BY THE LOCAL F.E.M.A. OFFICIAL

SURVEYORS NOTES:

DESCRIPTION FURNISHED BY CLIENT.

THE SURVEY AS SHOWN HEREON WAS MADE WITHOUT BENEFIT OF ABSTRACT OF TITLE, AND THEREFOR THE UNDERSIGNED AND STRAYER SURVEYING AND MAPPING, INC. MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREIN PERTAINING TO EASEMENTS, CLAIMS OF EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT, BUT IF THE SAME, OR ANY OF THEM ACTUALLY (IS) ARE IN EXISTENCE ON THE LAND SURVEYED, THEN IN THAT EVENT, THE SAME (IS) ARE SHOWN HEREON.

THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PARTY OR PARTIES CERTIFIED HEREON FOR THE EXPRESS PURPOSE STATED AND/OR CONTAINED IN THE CONTRACT BETWEEN STRAYER SURVEYING & MAPPING, INC. AND THE CLIENT FOR THIS PROJECT. COPYING, DISTRIBUTING, AND/OR USING THIS SURVEY, IN WHOLE OR IN PART FOR ANY PURPOSE OTHER THAN ORIGINALLY INTENDED WITHOUT WRITTEN CONSENT FROM STRAYER SURVEYING & MAPPING, INC. IS STRICTLY PROHIBITED AND RENDERS THE SURVEYOR'S CERTIFICATION, SIGNATURE AND SEAL NULL AND VOID. ANY QUESTIONS CONCERNING THE CONTENT OR PURPOSE OF THIS DRAWING SHOULD BE DIRECTED TO STRAYER SURVEYING AND MAPPING INC.

THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULT OF A SURVEY PERFORMED ON THE INDICATED DATE AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS AT THAT TIME.

THERE ARE NO APPARENT ENCROACHMENTS OTHER THAN SHOWN, NO BOUNDARY LINE DISPUTES, EASEMENTS OR CLAIMS OF EASEMENTS OF WHICH WE HAVE KNOWLEDGE.

NO UNDERGROUND INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS NOTED.

BEARINGS SHOWN HEREON ARE BASED ON THE RECORD PLAT OF **FIRST ADDITION TO PORT CHARLOTTE SUBDIVISION**, THE CENTERLINE OF **WALL LANE**, BEING **N. 62°38'19" W.**

SYMBOL CHARACTERS AND OR POSITIONS MAY NOT BE DEPICTED TO SCALE FOR CLARIFICATION PURPOSES.

BOUNDARY & TOPOGRAPHIC SURVEY OF:

LOT 45, BLOCK 267, FIRST ADDITION TO PORT CHARLOTTE SUBDIVISION

ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK **11**, PAGES **29, 29A THROUGH 29J**, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA
CITY OF NORTH PORT, FLORIDA

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PEOPLE LISTED HEREON, AND ONLY FOR THIS PARTICULAR TRANSACTION. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO THIRD PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY ON THIS SURVEY.

CERTIFIED TO:
CLIFTON R. DAVIS AND ANNA L. DAVIS

THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE FOR SURVEYS" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND IS NOT INTENDED TO MEET ANY OTHER MUNICIPAL OR NATIONAL STANDARD OR REQUIREMENT UNLESS NOTED.

EST. 1987
STRAYER
SURVEYING & MAPPING, INC.
742 Shamrock Boulevard
Venice, Florida 34293
(941) 496-9488
(941) 624-4900
Fax (941) 497-6186
www.strayersurveying.com

REVISION:

DATE OF FIELD SURVEY: 08/10/2016
FIELD BOOK: 697 **PAGE:** 05
CHECKED BY: B.G.R. **DRAWN BY:** M.S.P.

FILE #: 16-07-82

STRAYER SURVEYING & MAPPING, INC.
LICENSED SURVEYOR BUSINESS NO. 6639

B. GREGORY RIETH
FLORIDA SURVEYOR & MAPPER REG'N #5228

"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."

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