



NEIGHBORHOOD DEVELOPMENT SERVICES DEPARTMENT

Planning Division

STAFF REPORT

4230 Wall Lane – (Davis) Partial Vacation, Resolution No. 2017-R-06 (VAC-17-004)

Vacating a portion of platted rear 20-foot maintenance easement.

To: Jonathan R. Lewis, ICMA-CM, City Manager

Thru: Scott Williams, Neighborhood Development Services Director

Thru: Michele Norton, AICP, Planning Manager

From: Sherry A. Willette-Grondin, Zoning Coordinator

Date: February 16, 2017

I. GENERAL INFORMATION

Project: Petition No. VAC-17-004, Resolution No. 2017-R-06, 4230 Wall Lane (Davis) Partial Vacation of the platted 20-foot rear maintenance easement.

Request: Approve Resolution No. 2017-R-06, Petition No. VAC-17-004, the request of Clifton R. Davis and Anna L. Davis to vacate a portion of the platted 20-foot rear maintenance easement to allow for a newly constructed in-ground swimming pool and deck to remain.

Applicant: Clifton R. Davis and Anna L. Davis (**Exhibit A-1, A-2 Affidavit(s)**)

Owner(s): Clifton R. and Anna L. Davis (**Exhibit A-3, Warranty Deed**)

Location: The subject property is located at 4230 Wall Lane, North Port, Florida (Lot 45, Block 267, First Addition to Port Charlotte Subdivision) (PID # 0990026745) (Section 27, Township 39S, Range 21 East).

Property Size: The subject property contains approximately \pm .230 acres. The site contains \pm 208 square feet.

II. BACKGROUND

On September 26, 2016, Tropical Pools on behalf of the property owners Clifton R. Davis and Anna L. Davis applied for and were issued a building permit (Permit number 16-6078) to construct an in-ground swimming pool and deck. The permit was reviewed by the Building Division and the permit was approved. The survey submitted with the permit application showed the placement of the pool encroached 5.2-feet into the 20-foot maintenance easement and a setback of 14.8-feet from the rear property line

(**Attachment 1**). Included with the permit submission was an application for a relocation of easement signed by the property owners and dated, July 20, 2016. The application for relocation of easement was not submitted to, or reviewed by the Planning Division (**Attachment 2**).

On November 15, 2016, Tropical Pools on behalf of the property owners submitted to the Building Division a separate permit for a pool cage on an existing deck (Permit number 16-7114). Through the review process, it was found that the pool cage would encroach 5.2-feet into the 20-foot rear maintenance easement and the permit for the pool cage was not approved.

On or about November 29, 2016, the property owners Mr. and Mrs. Davis had contacted staff in the Planning Division to research the matter regarding the pool and deck encroaching 5.2-feet into the 20-foot maintenance easement; and not meeting the minimum 20-foot setback as required for accessory structures located on waterfront properties.

As a result of the investigation, planning staff provided to the property owners the following three options in an e-mail dated November 29, 2016, (**Attachment 3**).

On December 16, 2016, Neighborhood Development Services Planning staff and the Building Official held a meeting with the property owners Clifton and Anna Davis to discuss the pool and deck encroachment and setback issue. The owner of Tropical Pools was present by telephone. The purpose of the meeting was to clear up any confusion Mr. & Mrs. Davis had concerning the options available to them. Representatives from Tropical Pools had told the property owners that they spoke to City representatives and a relocation of easement was all that was needed and they only needed to pay \$100.

Planning staff did not at any time offer to the pool company the relocation of the 20-foot rear maintenance easement as a solution, nor was the option to relocate the easement provided to the property owner as an alternative. A relocation of the 20-foot rear maintenance easement would not resolve the encroachment or the setback issue as it does not meet the requirements for a relocation of easement as defined in Chapter 53, Section 53-267 of the Unified Land Development Code.

Mr. and Mrs. Davis, after considering the options as provided in the e-mail, and again at the joint meeting, chose Option #3, to apply for a partial vacation of easement and variance.

On January 9, 2017, the property owners did make application to the City of North Port Neighborhood Development Services Planning Division for a partial vacation of easement as pursuant to the provisions of Florida Statutes Chapter 177 and the Unified Land Development Code Chapter 53, Section 53-267D. (**Attachment 4**). A narrative provided by the property owners was included with the application submission (**Attachment 5**).

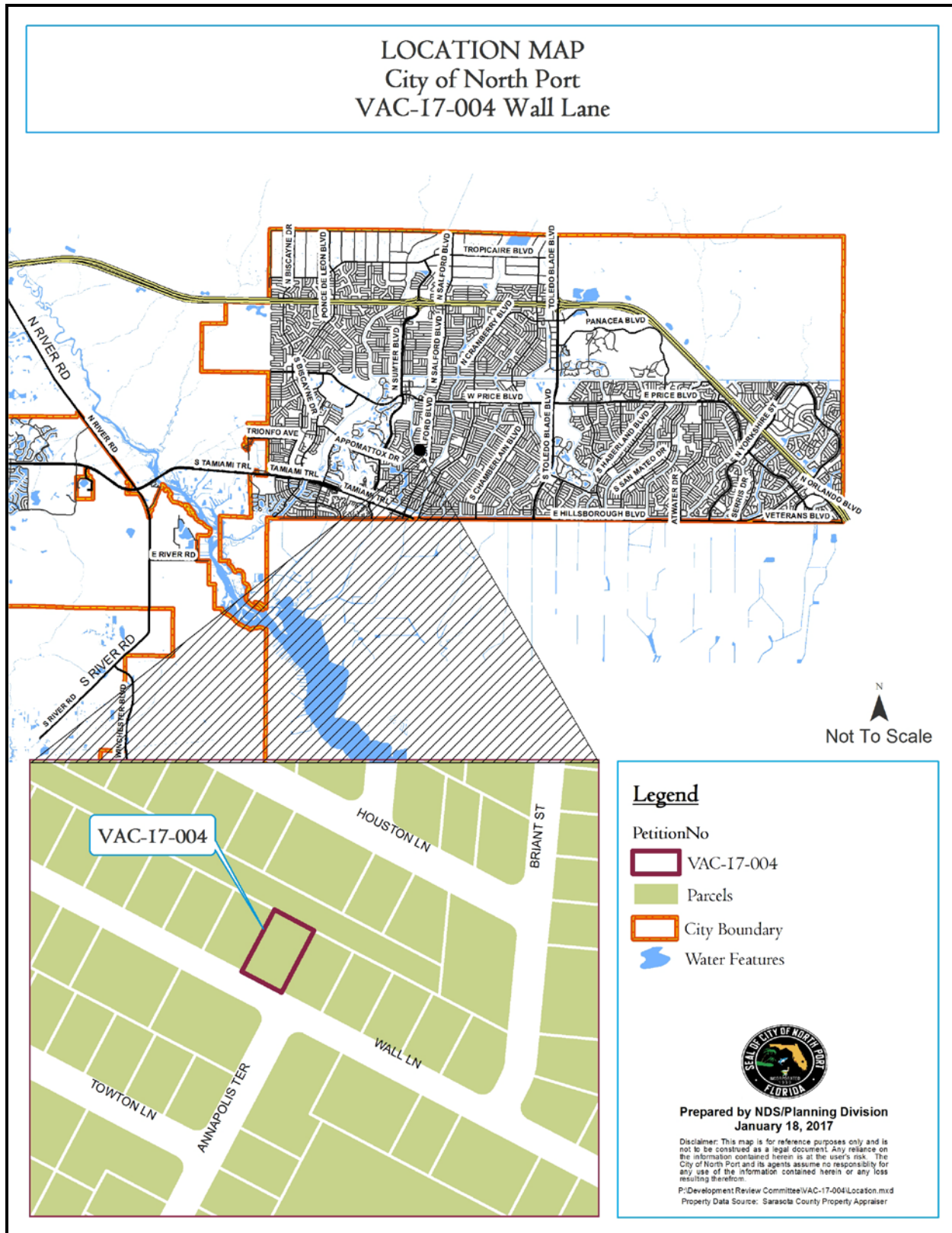
A request for a variance to allow for an existing concrete swimming pool, and deck to maintain a 14.8-foot rear setback where a 20-foot rear setback is required was heard before the Zoning Board of Appeals at their regularly scheduled meeting of February 10, 2017. The Board voted to 3-2 in favor of granting the variance.

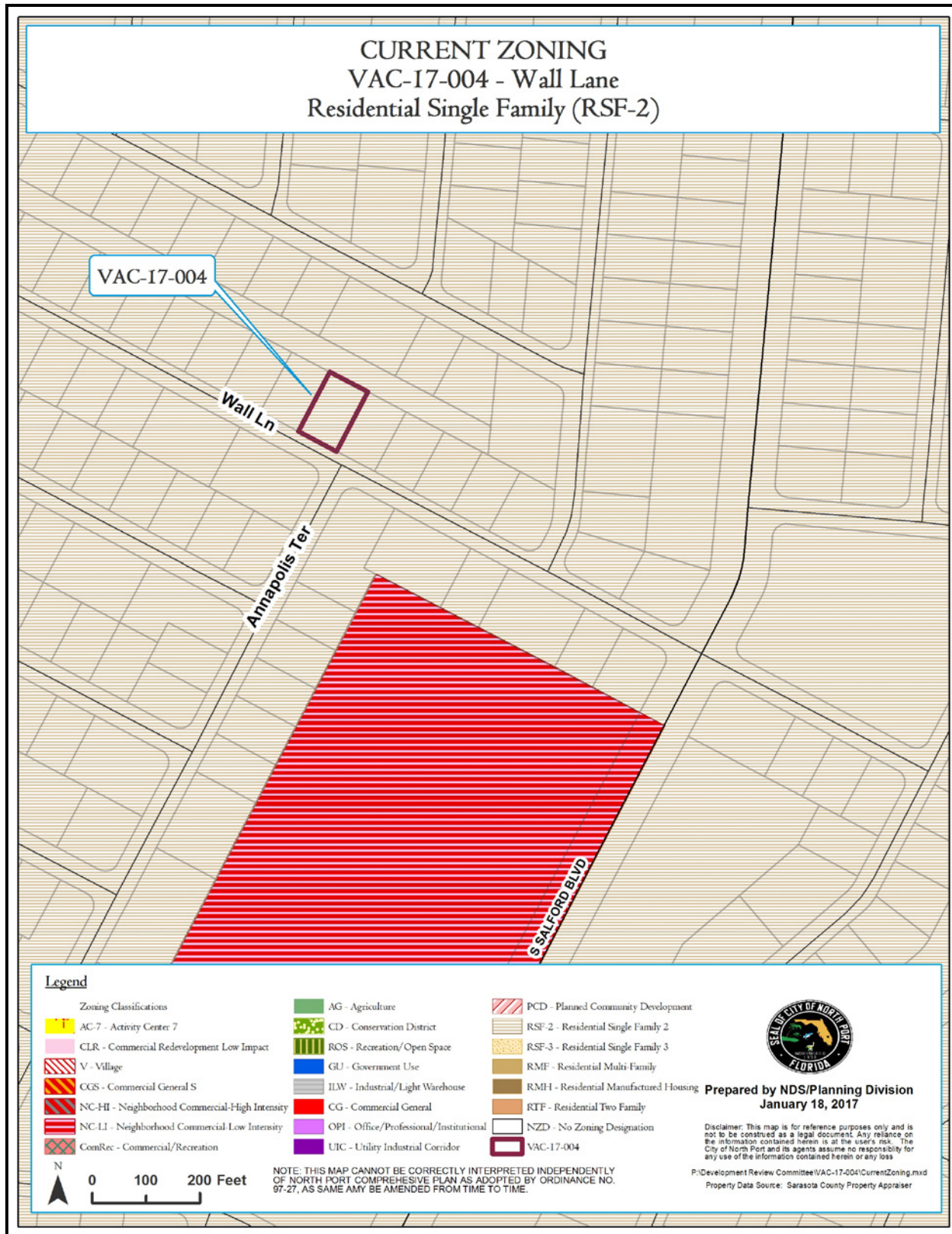
In order for the pool and deck to remain, it is necessary that both the variance and the partial vacation of easement of the rear 20-foot maintenance easement is granted.

The Neighborhood Development Services, Planning Division did notify all affected utilities on January 12, 2017, of the request for a partial vacation of the rear 20-foot maintenance easement located on lot 45. Through written response, staff received approvals from all of the affected utility agencies. (**Attachment 6**).

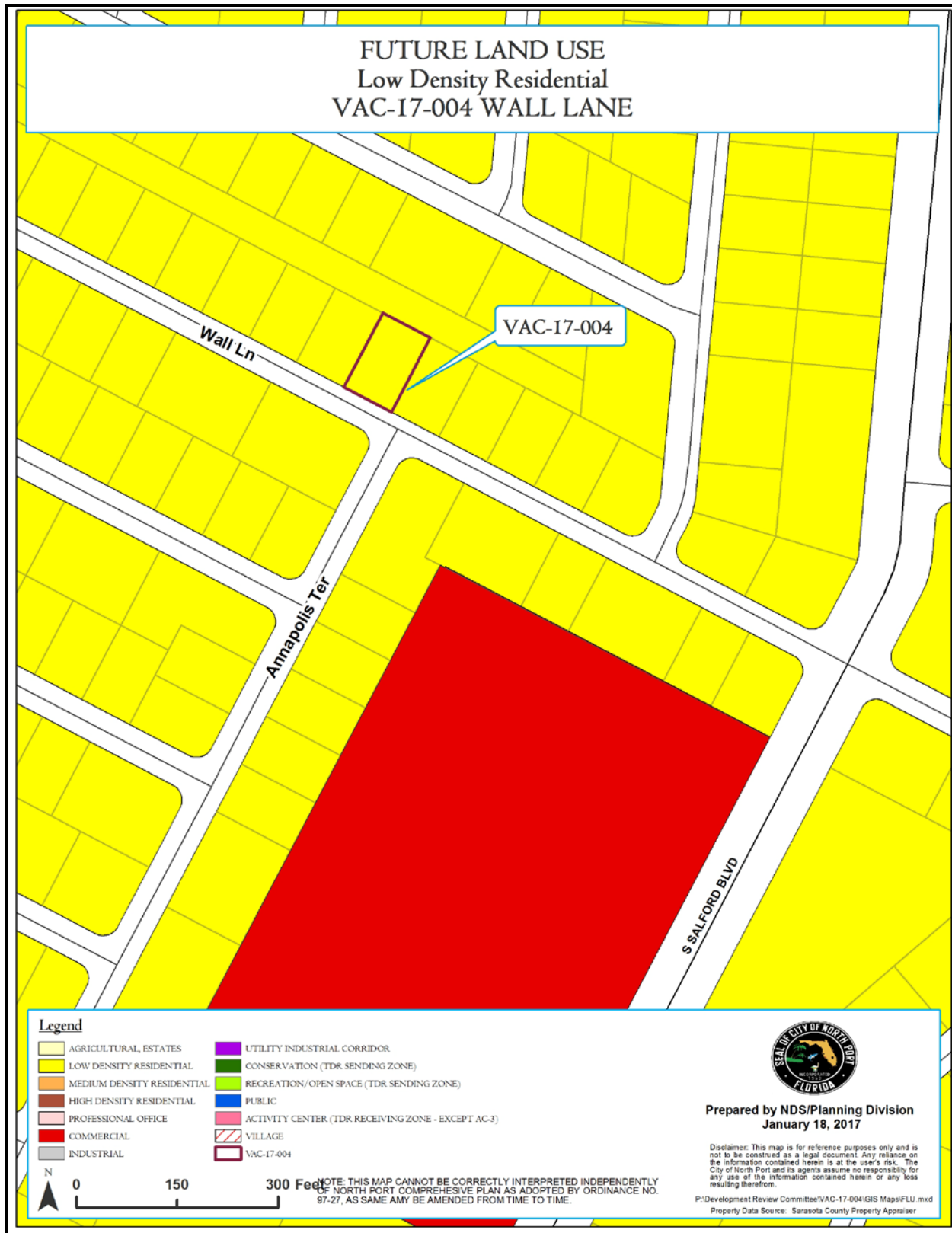
Based on the responses received from the affected utilities, the request to partially vacate the rear 20-foot maintenance easement meets the following:

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.









III. STAFF RECOMMENDATION

Based on staff's evaluation and stated findings, staff is recommending approval of Resolution No. 2017-R-06, Petition No. VAC-17-004, the request of Clifton R. Davis and Anna L. Davis to vacate a portion of the rear 20-foot maintenance easement located on lot 45, Block 267, First Addition to Port Charlotte Subdivision to allow for a newly constructed in-ground swimming pool and deck to remain (**Attachment 7**).

PLANNING & ZONING ADVISORY BOARD RECOMMENDATION

The Planning and Zoning Advisory Board (PZAB) at their regularly scheduled meeting of February 16, 2017, recommended that the City Commission approve Resolution No. 2017-R-06, Petition No. VAC-17-004, the request of Clifton R. Davis and Anna L. Davis to vacate a portion of the platted 20-foot rear maintenance easement to allow for a newly constructed in-ground swimming pool and deck to remain with a unanimous 7-0 vote.

The Planning & Zoning Advisory Board made the following findings of fact:

- (1) A permit for the subject pool and pool cage was issued;
- (2) The Planning and Zoning Advisory Board does not find that Mr. and Mrs. Davis are at fault or responsible for any errors in permitting or construction;
- (3) The financial damages to the Davises, should the Commission attempt to reverse course and demand a remedy, would be onerous financially;
- (4) The Planning & Zoning Board unanimously stated on the record they were not happy about the situation, however, in order to provide relief to the applicants, Mr. and Mrs. Clifton R. Davis, the Planning & Zoning Advisory Board recommends approval of Resolution No. 2017-R-06, Petition No. VAC-17-004.

ALTERNATIVES

1. Deny the request. If the request for the partial vacation of easement is denied, the property owner will at their own expense be required to either remove the pool and deck or reduce the size of the pool and deck so it no longer encroaches into the 20-foot rear maintenance easement.

SITE INFORMATION

Land Use

Adopted Future Land Use Map Designation:

Adopted Zoning Map Designation:

Existing Land Use(s):

Surrounding Land Uses:

Direction	Existing Land Uses	Future Land Use Map Designation	Zoning Map Designation
North	Residential	Low Density Residential	RSF-2
South	Residential/Neighborhood Commercial Low Intensity	Low Density Residential/Commercial	RSF-2/NC-LI
West	Residential	Low Density Residential	RSF-2
East	Residential	Low Density Residential	RSF-2

Services and Facilities**Potable Water or Well:** Well**Sanitary Sewer or Septic:** Septic system**Flood Zone:** Flood Zone "AE" Community Map #120279, Panel #12115C0387F**Fiscal Impact**☐ Not Applicable☒ No Impact☐ Fiscal Impact Confirmed**IV. REVIEW PROCESS**

The City Attorney has reviewed and approved Resolution No. 2017-R-06 as to form and correctness.

V. PUBLIC NOTICE

Notice of Intent was published according to the provisions of Florida Statutes, Chapter 177, for two weeks consecutively on January 16 and January 23, 2017 (**Attachment 8**).

VI. PUBLIC HEARING SCHEDULE

**Planning and Zoning Advisory Board
Public Hearing**

February 16, 2017
9:00 AM or as soon thereafter

**City Commission
Public Hearing**

March 7, 2017
10:00 AM or as soon thereafter

AFFIDAVIT

I (the undersigned), CLIFTON R. DAVIS being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of the property described and which is the subject matter of the proposed hearing; 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 true to the best of my (our) knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I (we) authorize City staff to visit the site as necessary for proper review of this petition. *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 06 day of January, 2017

Clifton R. Davis
Signature of Applicant or Authorized Agent

CLIFTON R. DAVIS
Print Name and Title

STATE OF Florida

COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 06 day of January, 2017, by

Clifton R. Davis who is personally known to me or has produced
FL DL as identification, and who

did did not take an oath.

[Signature]
Signature - Notary Public

**AFFIDAVIT****AUTHORIZATION FOR AGENT/APPLICANT**

I (we), _____, property owner(s),

hereby authorize _____ to act as Agent/Applicant on our behalf

to apply for this petition on the property described as (legal description) _____

Signature of Owner

Date

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged by me this _____ day of _____, 20____, by

_____ who is personally known to me or has produced
_____ as identification, and who did

not take an oath.

(Place Notary Seal Below)

Signature - Notary Public

Exhibit A-2
AFFIDAVIT

I (the undersigned), ANNA L. DAVIS being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of the property described and which is the subject matter of the proposed hearing; 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 true to the best of my (our) knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I (we) authorize City staff to visit the site as necessary for proper review of this petition. *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 06 day of January, 2017.

Anna L. Davis

Signature of Applicant or Authorized Agent

ANNA L. DAVIS

Print Name and Title

STATE OF Florida

COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 06 day of January, 2016, by

Anna L. Davis who is personally known to me or has produced

FLDL as identification, and who

did did not take an oath.

[Signature]
Signature - Notary Public



**AFFIDAVIT
AUTHORIZATION FOR AGENT/APPLICANT**

I (we), _____, property owner(s),

hereby authorize _____ to act as Agent/Applicant on our behalf

to apply for this petition on the property described as (legal description) _____

Signature of Owner

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged by me this _____ day of _____, 20____, by

_____ who is personally known to me or has produced

_____ as identification, and who did

not take an oath.

(Place Notary Seal Below)

Signature - Notary Public

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**

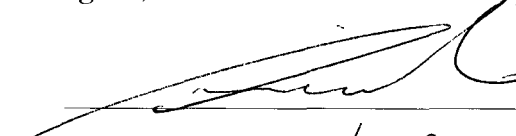
Subject to easements, restrictions, reservations, and limitations of record, if any.
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

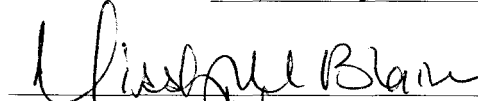
To Have and to Hold, the same in fee simple forever.


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.

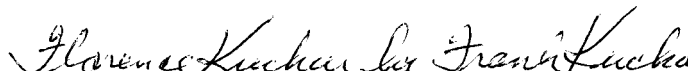
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Printed Name Carlos B O'Shea

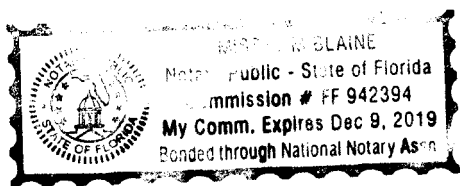

Witness Printed Name Missy M Blaine

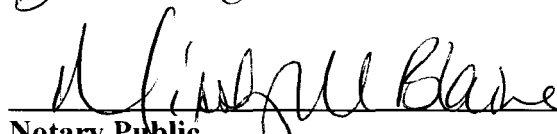

Frank Kuchar (Seal)
Address: 5226 Palena Blvd., North Port, Florida 34287


Florence Kuchar, by Frank Kuchar as Attorney in Fact (Seal)
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 Divers License as identification.




Notary Public
Print Name: missy m. Blaine

My Commission
Expires: 12-9-2019

(Notary Seal)

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.

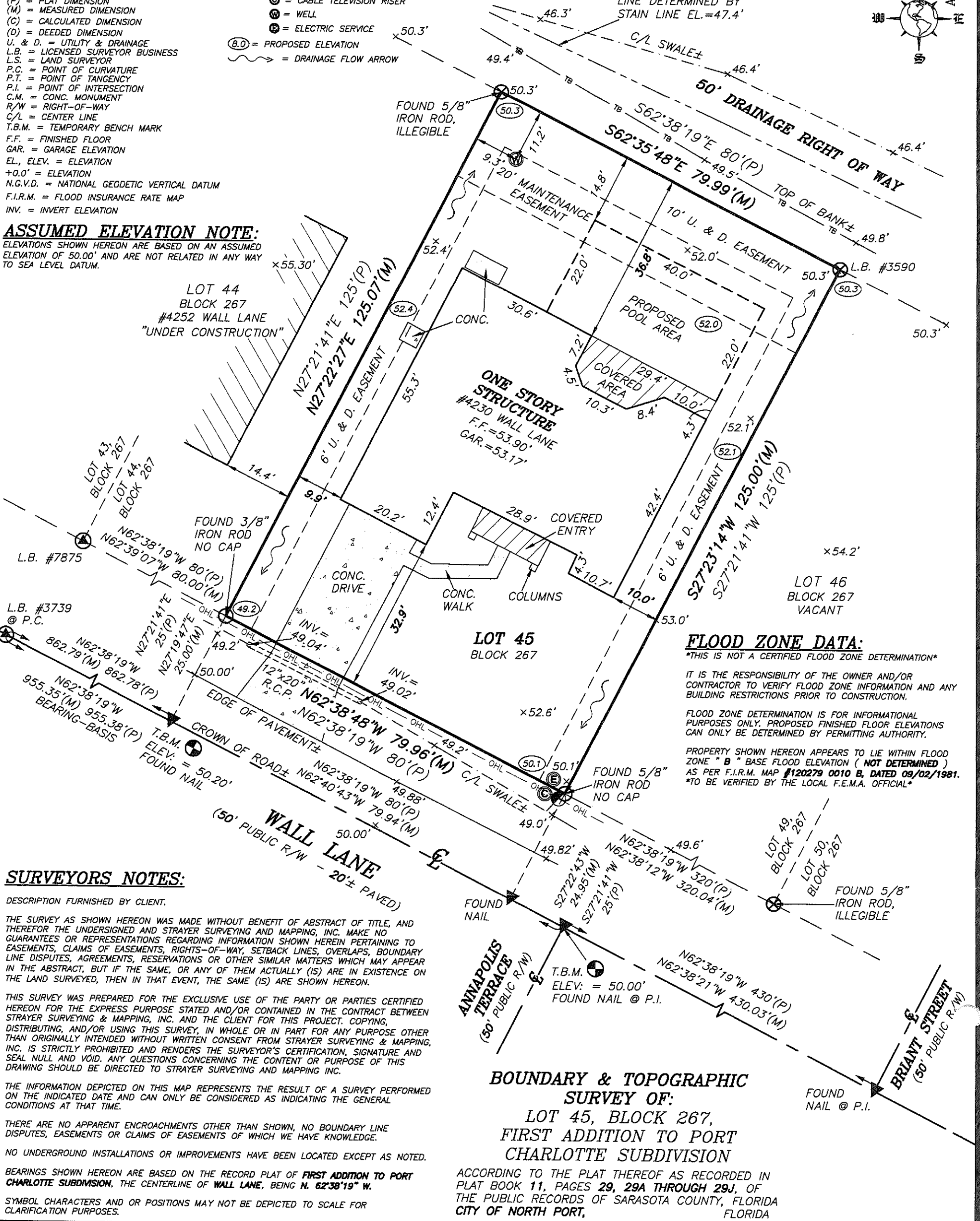
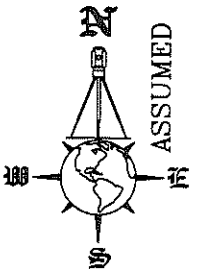
Attachment 1

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

0 20 40

SCALE 1" = 20'

MEAN ANNUAL FLOOD LINE DETERMINED BY STAIN LINE EL.=47.4'



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.

CERTIFIED TO:

CLIFTON R. DAVIS AND ANNA L. DAVIS

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

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.

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

B. GREGORY RIETH
FLORIDA SURVEYOR & MAPPER REG# 5228

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

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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

Attachment 2



CITY OF NORTH PORT

Neighborhood Development Services

Planning Division

Planninginfo@cityofnorthport.com

Relocation of Easement Packet

The following items are to be included in the submission:

- ☒ Relocation of Easement Application
- ☒ Affidavit(s)
- ☒ Relocation of Easement Checklist
- ☒ Relocation of Easement Fee Sheet

Note

Please be advised that each application is considered a separate petition and will be reviewed as such. Packets will not be processed if incomplete or missing requested information.

If there is more than one property owner of the subject property, all owners must complete an affidavit.



CITY OF NORTH PORT

Relocation of Easement Fee Sheet

Property Location (Address): 4230 WALL LANE, NORTH PORT, FL. 34287

PID(s) #: 0990026745

Relocation of Easement Calculation

Fees	Total
City Fee \$100	
Surveyor Review Fee (to be assessed after review)	
TOTAL	

- All fees should be made payable to the City of North Port. Fees must be paid prior to the processing of the submittal.
- Applicant agrees to pay surveyor review fee before the release of documentation from the City for approval.
- Applicant is responsible for all recording fees charged by Sarasota County.

Please contact Planning Staff if you have any questions, 941.429.7156



CITY OF NORTH PORT
Neighborhood Development Services
Planning Division
4970 City Hall Boulevard
North Port, FL 34286-4100
www.cityofnorthport.com
Phone (941) 429-7156

DATE RECEIVED – DATE STAMP

RELOCATION OF EASEMENT APPLICATION

Upon making any application to the City for any reason, the applicant agrees to comply with all the requirements of the Unified Land Development Code and further agrees to allow authorized city staff and personnel to enter and inspect the property during normal business hours

Date Application Received: _____ Accepted by: _____ Project No: _____ - _____ - _____

Above to Be Completed by Planning Staff

P.P. _____

Project Name: Davis

Name of Applicant: CLIFTON R. DAVIS

Name of Corporation/LLC (If Applicable): _____

Street Address: 4230 WALL LANE

City: NORTH PORT State: FL. Zip Code: 34287

Phone: 816-213-6819 FAX No. _____ E-mail: CLIFFANNA2@gmail.com

Name of Property Owner: (if different from the applicant above) Samp

Street Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ FAX No. _____ E-mail: _____

Property Description: (Please list additional PID's on a separate sheet of paper) (Information can be found at <http://www.sc-pa.com/testsearch/>)

Parcel I.D. No(s): 1. 0990-026745 2. _____

Legal: Lot(s): 45 Block: 267 Addition: 1st To Pt Charlotte Tract or Parcel: _____

Subdivision: Port Charlotte Sub 01

Section: 27 Township: 39S Range: 21E Acreage: 10,000 sq. feet

Street Address: 4230 Wall Ln.

AFFIDAVIT

I (the undersigned), Clifton R. Davis being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of the property described and which is the subject matter of the proposed hearing; 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 true to the best of my (our) knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I (we) authorize City staff to visit the site as necessary for proper review of this petition. *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 20 day of July, 2016.

Clifton R. Davis
Signature of Applicant or Authorized Agent

CLIFTON R. DAVIS
Print Name and Title

STATE OF FL COUNTY OF SARASOTA

The foregoing instrument was acknowledged by me this 20 day of July, 2016, by

Clifton R. Davis

who is personally known to me or has produced

as identification, and who

did/did not take an oath.

Ralph DiCarlo
Signature - Notary Public

(Place Notary Seal Below)  **RALPH DICARLO**
MY COMMISSION # EE 852112
EXPIRES: February 8, 2017
Bonded Thru Budget Notary Services

AFFIDAVIT

AUTHORIZATION FOR AGENT/APPLICANT

I (we), Clifton R. Davis, property owner(s),

hereby authorize Tropical Pools & Spas of SW Florida INC. to act as Agent/Applicant on our behalf

to apply for this petition on the property described as (legal description) 4230 Wall Ln., North Port

FL 34287

Clifton R. Davis
Signature of Owner

7-20-16
Date

STATE OF FL COUNTY OF SARASOTA

The foregoing instrument was acknowledged by me this 20 day of July, 2016, by

Clifton R. Davis

who is personally known to me or has produced

as identification, and who did

not take an oath.

Ralph DiCarlo
Signature - Notary Public

(Place Notary Seal Below)

 **RALPH DICARLO**
MY COMMISSION # EE 852112
EXPIRES: February 8, 2017
Bonded Thru Budget Notary Services

Purpose of Application: Please briefly state what the intended use of the property will be or why you are making this application (e.g. general project description).

Swimming Pool & Cage

Easement in use? Yes: _____ No: ☒

Zoning District: (e.g. RSF, RTF, RMF, AG, ILW, CG, OPI, PCD): RSF

Existing land use (e.g., house, commercial structure, vacant): House

11. Easements to be Relocated

Lot: Lot Number

Type: TR = Total Relocate, PR = Partial Relocate

Construction: Please identify if the encroachment is the result of new construction (new) or a pre-existing condition (existing). If the encroachment is the result of a pre-existing condition, please provide the actual/estimated date of construction of the improvements.

Relocate	Type	Construction	Date	Item(s) Encroaching into Easement Area
Lot # <u>1</u>	Side - Right <u>Rear</u> Side - Left <u>5.2'</u>	<u>PR</u>	<u>NEW</u>	<u>Pool DECK & Cage</u>
Lot #	Side - Right			
	Side - Left			
Lot #	Side - Right			
	Side - Left			

*All of the information provided on this application is true and correct to the best of my knowledge.

Clifton R. Davis
Signature of Applicant

7-20-16
Date

CLIFTON R. DAVIS
Print Applicant Name

Attachment 3

From: Sherry Willette
To: ["cliffanna2@gmail.com"](mailto:cliffanna2@gmail.com)
Cc: [Michele Norton](#); [Scott Williams](#)
Subject: Pool encroachment in the 20-foot maintenance easement located at 4230 Wall Lane
Date: Tuesday, November 29, 2016 4:49:00 PM
Attachments: [VAR Complete Packet.pdf](#)
[PLV Complete Packet.pdf](#)

Dear Mr. & Mrs. Davis,

In researching the issue of the pool recently constructed at 4230 Wall Lane and encroaching 5.2' into the 20-maintenance easement, the following options to provide a remedy are listed below:

Option #1- Decrease the size of the pool to meet the 20-foot rear setback and not encroach into the easement.

Option #2 - Apply for an occupation of easement and a variance.

- a. In section 37-21.D. of our Unified Land Development Code, an occupation of easement may be allowed under certain conditions. However, if the occupation of easement is granted, the objects occupying the easement are placed at the risk of the resident and may at any time be requested by the City for removal and the cost would be borne by the property owner. If the City removes the object, the resident will be issued an invoice for the cost of the removal. If the City damages the object in the course of maintenance, the cost of replacement, is the sole responsibility of the owner or resident. If the property owner decided to sell the property, the title would be clouded. There is no cost for an occupation of easement and no guarantee of approval. However if approved, the pool would be allowed to remain at the risk of the property owner and is subject to risks as described above.
- b. Application for variance from the minimum setback of 20-feet. There is an application fee of \$525.00. I have attached a copy of the application for a variance. There are additional costs for legal advertisements and there is no guarantee the variance would be approved. The variance would be presented to the Zoning Board of Appeals for their decision to grant or not grant the variance.

Option #3 - Apply for a partial vacation of easement and a variance.

- a. Pursuant to the provisions of Chapter 177 of the Florida Statutes and Section 53-267D. of the Unified Land Development Code which states, "platted easement shall be vacated in accordance with F.S. ch. 177". The request for partial vacation of easement will be considered by first applying to the City for a request for partial vacation of easement. I have

attached an application for partial vacation of platted easement. The application fee for a partial vacation of easement is \$825.00. There are also costs for legal advertisements. The item would be heard first by the Planning and Zoning Advisory Board and then City Commission. There is no guarantee of approval. However if granted, and you were to sell the property in the future, there would be a clear title.

- b. Application for variance from the minimum setback of 20-feet. There is an application fee of \$525.00. I have attached a copy of the application for a variance. There are additional costs for legal advertisements. and there is no guarantee the variance would be approved. The variance would be presented to the Zoning Board of Appeals for their decision to grant or not grant the variance.

Please review each of the options carefully before making a decision. If you have any questions please feel free to contact me.

Regards,

Sherry A. Willette-Grondin

Zoning Coordinator

City of North Port

4970 City Hall Boulevard

North Port, FL 34286

Office: 941.429.7229

Fax: 941-429.7164

swillette@cityofnorthport.com

www.cityofnorthport.com

A City where you can "Achieve Anything."

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.



CITY OF NORTH PORT

Neighborhood Development Services
Planning Division
4970 City Hall Boulevard
North Port, FL 34286-4100
www.cityofnorthport.com
Phone (941) 429-7156

DATE RECEIVED – DATE STAMP

CITY OF NORTH PORT
RECEIVED

JAN 09 2017

VACATION OF PLATTED LOT LINES & EASEMENTS APPLICATION

Upon making any application to the City for any reason, the applicant agrees to comply with all the requirements of the Unified Land Development Code and further agrees to allow authorized city staff and personnel to enter and inspect the property during normal business hours

Date Application Received: 1-9-17 Accepted by: [Signature] Project No: PLV - 17 - 004

Above to Be Completed by Planning Staff

P.P. Saw

Project Name: Partial Vacation of the rear 20-foot Maintenance Easement

Name of Applicant: CLIFTON DAVIS & ANNA DAVIS

Name of Corporation/LLC (If Applicable): _____

Street Address: 4230 WALL LANE

City: NORTH PORT State: FL Zip Code: 34287

Phone: 816.213.6819 FAX No. _____ E-mail: CLIFFANNA2@GMAIL.COM

Name of Property Owner: (if different from the applicant above) _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ FAX No. _____ E-mail: _____

Name of Engineer: (If Applicable) _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ FAX No. _____ E-mail: _____

Name of Attorney: (If Applicable) _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ FAX No. _____ E-mail: _____

Name of Surveyor: (If Applicable) STRAYER SURVEYING & MAPPING INC
Street Address: 742 SHAMROCK BLVD.
City: VENICE State: FL Zip Code: 34293
Phone: 941.497.1290 FAX No. 941.497.6186 E-mail: _____

Property Description: (Please list additional PID's on a separate sheet of paper) (Information can be found at <http://www.sc-pa.com/testsearch/>)

Parcel I.D. No(s): 1. 0990-02-6745 2. _____
Legal: Lot(s): 45 Block: 267 Addition: FIRST Tract or Parcel: _____
Subdivision: PORT CHARLOTTE SUBDIVISION
Section: 27 Township: 39S Range: 21E Acreage: _____
Street Address: 4230 WALL LANE NORTH PORT, FL. 34287

Purpose of Application: Please briefly state what the intended use of the property will be or why you are making this application (e.g. general project description).

VACATION OF EASEMENT & VARIANCE OF
14' 8" SETBACK

Has this property undergone previous City development review and approval?

No: X Yes: _____ If yes, when? (Month/Date/Year) _____

Has this property this property received variance, waiver or special exception use permit approval?

No: X Yes: _____ If yes, please describe: _____

Existing land use (e.g., house, commercial structure, vacant): HOUSE

Surrounding existing land uses/zoning of adjacent properties:

North: DRAINAGE RIGHT OFWAY
South: ROAD (WALL LANE)
East: VACANT LOT
West: NEW HOME (UNDER CONSTRUCTION)

Adopted Future Land Use Map Designation: _____

Adopted Zoning Map Designation: _____

Is the property located in an Activity Center or Town Center? Yes _____ No X

If yes, please indicate which one _____

STORMWATER: Please contact the City Stormwater Manager/Environmentalist at (941) 240-8321.

(Flood Information can be found at <http://www.cityofnorthport.com> Search: Flood Update)

Is the application site in a FEMA Hazardous Flood Zone? No: X Yes: _____

If yes, what zone? _____

Is the application site in the Big Slough Watershed Flood Zone? No: X Yes: _____

If yes, what is the 100-year 1-day flood elevation? _____ ft. NGVD

***All of the information provided on this application is true and correct to the best of my knowledge.**

Clifton R. Davis
Signature of Applicant

1-6-2017
Date

CLIFTON R. DAVIS
Print Applicant Name

AFFIDAVIT

I (the undersigned), CLIFTON R. DAVIS being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of the property described and which is the subject matter of the proposed hearing; 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 true to the best of my (our) knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I (we) authorize City staff to visit the site as necessary for proper review of this petition. *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 06 day of January, 2017

Clifton R. Davis
Signature of Applicant or Authorized Agent

CLIFTON R. DAVIS
Print Name and Title

STATE OF Florida

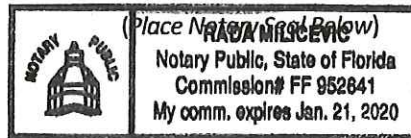
COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 06 day of January, 2017, by

Clifton R. Davis who is personally known to me or has produced
FLDC as identification, and who

did/did not take an oath.

[Signature]
Signature - Notary Public



AFFIDAVIT AUTHORIZATION FOR AGENT/APPLICANT

I (we), _____, property owner(s),
hereby authorize _____ to act as Agent/Applicant on our behalf
to apply for this petition on the property described as (legal description) _____

Signature of Owner

Date

STATE OF _____, COUNTY OF _____

The foregoing instrument was acknowledged by me this _____ day of _____, 20____, by

_____ who is personally known to me or has produced
_____ as identification, and who did

not take an oath.

(Place Notary Seal Below)

Signature - Notary Public

AFFIDAVIT

I (the undersigned), ANNA L. DAVIS being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner(s) of the property described and which is the subject matter of the proposed hearing; 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 true to the best of my (our) knowledge and belief. I understand this application must be complete and accurate before the hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I (we) authorize City staff to visit the site as necessary for proper review of this petition. *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 06 day of January, 2017

Anna L. Davis
Signature of Applicant or Authorized Agent

ANNA L. DAVIS
Print Name and Title

STATE OF Florida

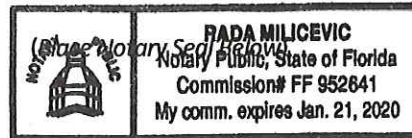
COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 06 day of January, 2017, by

Anna L. Davis who is personally known to me or has produced
FL DC as identification, and who

did/did not take an oath.

[Signature]
Signature - Notary Public



AFFIDAVIT

AUTHORIZATION FOR AGENT/APPLICANT

I (we), _____, property owner(s),

hereby authorize _____ to act as Agent/Applicant on our behalf

to apply for this petition on the property described as (legal description) _____

Signature of Owner

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged by me this _____ day of _____, 20____, by

_____ who is personally known to me or has produced

_____ as identification, and who did
not take an oath.

(Place Notary Seal Below)

Signature - Notary Public

Project Narrative:

We purchased our home in late July, 2016 and immediately contacted Tropical Pools, at the recommendation of our realtor. They requested a survey, and that took approximately a month to get. The surveyor indicated to us that our pool would be 5 feet into the easement. He advised us to talk to our pool company, as they had no doubt encountered this problem before.

We contacted our sales rep, Larry Comer of Tropical Pools, who assured us that this was not a problem. We would just need to apply for a "release of easement" and the fee was an extra \$100. After about seven weeks, he called to say our permits had been granted and "we got all five feet of our easement release approved." The pool was dug and roughed in; deck poured and painted, pump was installed, etc. At the time the cage was being installed, an inspector came by to inspect something, and realized that there was a problem and indicated that all work needed to cease. At the time, we were unaware of the reason, as neither the inspector nor Tropical Pools let us know the problem. After a few days, Larry, of Tropical Pools called to say that there was a problem with our permits.

My husband called the city for clarification and confirmation of the problem, and was told that we hadn't filled out the correct paperwork, that the permits that had been approved in error. We were also informed that the city had had several conversations with Tropical Pools. After talking again to Larry, he advised us to go to City Hall to pay the \$100 fee for the paperwork he had submitted, and that we might need to "get ugly." We went to City Hall and was escorted to the Planning and Zoning Department, where we learned that this was going to be much more involved than we ever imagined.

After talking with us, Sherry Willette-Grondin said she would give us some options on what could be done. True to her word, later that day she emailed us with three options, and copied Ralph, the owner of Tropical Pools. Since we were not given the opportunity to change the location or size of the pool, the first one was out, and we felt that option 2 was not desirable, as it contained the possibility of a clouded title. Option 3 was our choice.

After all this, Larry of Tropical Pools told us that he had spoken to the North Port City Hall, had worked out a solution and arranged to meet us at City Hall with more paperwork that he had prepared. We wondered why this avenue was not one of the options Sherry had previously provided. We soon realized that in spite of multiple conversations between the city and Tropical Pools, (Larry and Ralph, the owner), they didn't seem to grasp the fact that this was not going to be solved by a \$100 fee and whatever random paperwork they thought would do. The city was very clear with us, and their information did not change.

After another unfruitful conversation with Tropical Pools, Sherry called a meeting between her people, herself, Ralph and us. Ralph joined by phone. We laid out our concerns and after a while arrived at a mutually agreeable solution. Ralph was to pay our fees for the plat vacation and variance applications, and the city would allow him to complete the pool. Ralph was reluctant, but did agree.

We are requesting a variance of 5'2" to allow us to not only be able to use the pool, but to also have an unclouded title to our property. This option should not affect our neighborhood in any way.

Variance Project Narrative:

1. After a survey revealed that we would be into our maintenance easement, Tropical Pools assured us that this was not a problem; we would just need to request a "Release of Easement" and there would be an additional fee of \$100. After a lengthy period of time, we were told by the pool company that our permits had been granted and we had "gotten our release of easement of 5 feet." Since all this was presented to us as a routine occurrence, we assumed it was. Our pool had been dug and roughed in, decking poured, pump and electrical in process and the cage was ready to be installed, when work was halted by a city inspector, who realized we were into the easement. We were told that the city had issued our permits in error.
2. We relied on the expertise of our pool company and staff to let us know of any problems, or concerns. We were advised several times by them that it was routine and just a matter of the right form, an additional fee and then we would be able to proceed. Of course, this was not the case.
3. We are requesting a 14 feet, 8 inch setback where 20 feet is required.
4. This will allow us the use of the pool and should not pose a problem to the neighborhood or be detrimental to public welfare.
5. There should be no recurrence of this situation that we should need to re-address this issue.

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

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**

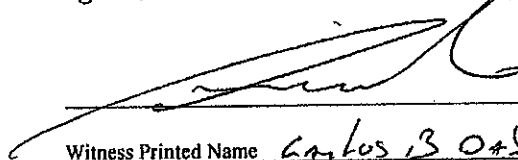
Subject to easements, restrictions, reservations, and limitations of record, if any.
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

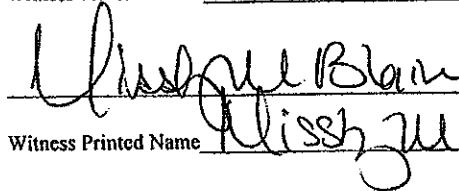
To Have and to Hold, the same in fee simple forever.


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 O'Shea

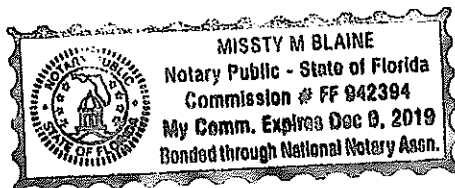

Witness Printed Name Missy M Blaine

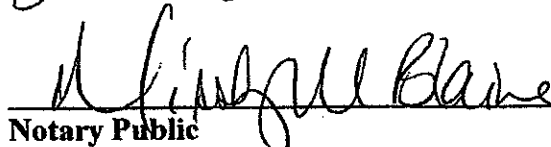

Frank Kuchar (Seal)
Address: 5226 Palena Blvd., North Port, Florida 34287


Florence Kuchar, by Frank Kuchar as Attorney in Fact (Seal)
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 Driver's License as identification.




Notary Public
Print Name: _____

My Commission
Expires: _____

(Notary Seal)

Sarasota County Tax Collector

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

From: **Sherry Willette** swillette@cityofnorthport.com 
Subject: Pool encroachment in the 20-foot maintenance easement located at 4230 Wall Lane
Date: November 29, 2016 at 4:49 PM
To: cliffanna2@gmail.com
Cc: Michele Norton mnorton@cityofnorthport.com, Scott Williams swilliams@cityofnorthport.com

Dear Mr. & Mrs. Davis,

In researching the issue of the pool recently constructed at 4230 Wall Lane and encroaching 5.2' into the 20-maintenance easement, the following options to provide a remedy are listed below:

Option #1- Decrease the size of the pool to meet the 20-foot rear setback and not encroach into the easement.

Option #2 - Apply for an occupation of easement and a variance.

- a. In section 37-21.D. of our Unified Land Development Code, an occupation of easement may be allowed under certain conditions. However, if the occupation of easement is granted, the objects occupying the easement are placed at the risk of the resident and may at any time be requested by the City for removal and the cost would be borne by the property owner. If the City removes the object, the resident will be issued an invoice for the cost of the removal. If the City damages the object in the course of maintenance, the cost of replacement, is the sole responsibility of the owner or resident. If the property owner decided to sell the property, the title would be clouded. There is no cost for an occupation of easement and no guarantee of approval. However if approved, the pool would be allowed to remain at the risk of the property owner and is subject to risks as described above.
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Please review each of the options carefully before making a decision. If you have any questions please feel free to contact me.

Regards,

Sherry A. Willette-Grondin

Zoning Coordinator

City of North Port

4970 City Hall Boulevard

North Port, FL 34286

Office: 941.429.7229

Fax: 941-429.7164

swillette@cityofnorthport.com

www.cityofnorthport.com

A City where you can "Achieve Anything."

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.



PDF



PDF

VAR Complete
Packet.pdf

PLV Complete
Packet.pdf

Attachment 5

Project Narrative:

We purchased our home in late July, 2016 and immediately contacted Tropical Pools, at the recommendation of our realtor. They requested a survey, and that took approximately a month to get. The surveyor indicated to us that our pool would be 5 feet into the easement. He advised us to talk to our pool company, as they had no doubt encountered this problem before.

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3. We are requesting a 14 feet, 8 inch setback where 20 feet is required.
4. This will allow us the use of the pool and should not pose a problem to the neighborhood or be detrimental to public welfare.
5. There should be no recurrence of this situation that we should need to re-address this issue.



Attachment 6
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: January 12, 2016

PETITION NO: VAC-17-004

TO:

Steve Platt, North Port Public Works
Teresa Shattuck, Amerigas
Juan Cruz, FPL
Scott Spagnoli, Building Division-Zoning

Darrell Smith, North Port Utilities
Bruce Drackett, Comcast Cable/Truernet Communications
Mike Little, Frontier Communications

Please see the attached application for vacation of easement for the property described as:

Lots 45, Block 267, of the First to the Port Charlotte Subdivision, according to Plat
thereof recorded in Plat Book 11, Page 29, 29A, 29M, of the Public Records of Sarasota County, Florida,
also known as street address: 4230 Wall Lane, North Port, FL 34287.

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 January 23, 2017 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.

Thank you.

Planning Division

Mresa Shattuck

Signature

941-255-9900

Phone No.

1/20/17

Date

AmeriGas

Name of Utility

Please e-mail responses to swillette @cityofnorthport.com

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If you received this in error or do not receive all the pages, please contact Neighborhood Development Services, Planning Division at 941.429.7229.



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: January 12, 2016

PETITION NO: VAC-17-004

TO:

Steve Platt, North Port Public Works
Teresa Shattuck, Amerigas
Juan Cruz, FPL
Scott Spagnoli, Building Division-Zoning

Darrell Smith, North Port Utilities
Bruce Drackett, Comcast Cable/Truernet Communications
Mike Little, Frontier Communications

Please see the attached application for vacation of easement for the property described as:

Lots 45, Block 267, of the First to the Port Charlotte Subdivision, according to Plat
thereof recorded in Plat Book 11, Page 29, 29A, 29M, of the Public Records of Sarasota County, Florida,
also known as street address: 4230 Wall Lane, North Port, FL 34287.

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



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Thank you.

Planning Division

Juan Cruz

Digitally signed by Juan Cruz
Date: 2017.01.19 12:24:04 -05'00'

Signature

941-423-4842

Phone No.

1-19-17

Date

FPL

Name of Utility

Please e-mail responses to [swillette @cityofnorthport.com](mailto:swillette@cityofnorthport.com)

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Planning Division

Signature

Date

Phone No.

Name of Utility

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4970 City Hall Boulevard
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DATE: January 12, 2016

PETITION NO: VAC-17-004

TO:

Steve Platt, North Port Public Works
Teresa Shattuck, Amerigas
Juan Cruz, FPL
Scott Spagnoli, Building Division-Zoning

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Thank you.

Planning Division



Signature

2408021

Phone No.

01-17-17

Date

NP Utility

Name of Utility

Please e-mail responses to swillette @cityofnorthport.com

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VACATION OF EASEMENT

DATE: January 12, 2016

PETITION NO: VAC-17-004

TO:

Steve Platt, North Port Public Works
Teresa Shattuck, Amerigas
Juan Cruz, FPL
Scott Spagnoli, Building Division-Zoning

Darrell Smith, North Port Utilities
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Thank you.

Planning Division

 Digitally signed by Bruce Drackett
Date: 2017.01.13 11:32:02 -05'00'

Signature
941-730-0600

Phone No.

1/13/17

Date
Comcast Cable

Name of Utility

Please e-mail responses to swillette @cityofnorthport.com

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From: [Little, Michael](#)
To: [Sherry Willette](#)
Cc: [Reeve, Gary](#)
Subject: RE: Request for partial vacation of a 20-foot maintenance easement VAC-17-004
Date: Thursday, January 12, 2017 2:48:38 PM
Attachments: [Survey08-10-2016.pdf](#)
[narrative.pdf](#)
[aerial map.pdf](#)
[FTR VAC-17-004 vacation form.pdf](#)

Sherry,

Frontier has no objection as per records do not indicate facilities within rear easement vacate area.

Sincerely,
Mike Little
Region Rights of Way
& Municipal Affairs Mgr.
Frontier Communications
120 E. Lime Street
Lakeland FL., 33801
Cell 813 892-9648



From: Sherry Willette [mailto:swillette@cityofnorthport.com]
Sent: Thursday, January 12, 2017 2:31 PM
To: Bruce Drackett <bdrackett@truenetcommunications.com>; Darrell Smith <dsmith@cityofnorthport.com>; Juan Cruz <juan_cruz@fpl.com>; Little, Michael <michael.e.little@ftr.com>; Scott Spagnoli <:sspagnoli@cityofnorthport.com>; Steven Platt <splatt@cityofnorthport.com>; Teresa Shattuck <Teresa.Shattuck@amerigas.com>
Subject: Request for partial vacation of a 20-foot maintenance easement VAC-17-004
Importance: High

Dear reviewers,

Please see the attached request for a partial vacation of the 20-foot rear maintenance easement. The pool which has been constructed, is occupying 5.2-feet into the 20-foot maintenance easement as shown in the attached survey.

I have also attached a narrative from the property owner concerning the request. The subject property is located at 4230 Wall Lane, North Port, FL (PID#0990-02-6745)(See aerial map)

Please provide your responses no later than **January 23, 2017**.



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North Port, FL 34286
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Fax: 941.429.7154



VACATION OF EASEMENT

DATE: January 12, 2016

PETITION NO: VAC-17-004

TO:

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Teresa Shattuck, Amerigas
Juan Cruz, FPL
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Planning Division

Juan Cruz

Digitally signed by Juan Cruz
Date: 2017.01.19 12:24:04 -05'00'

Signature

941-423-4842

Phone No.

1-19-17

Date

FPL

Name of Utility

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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
- (B.D.) = 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.

Attachment 7

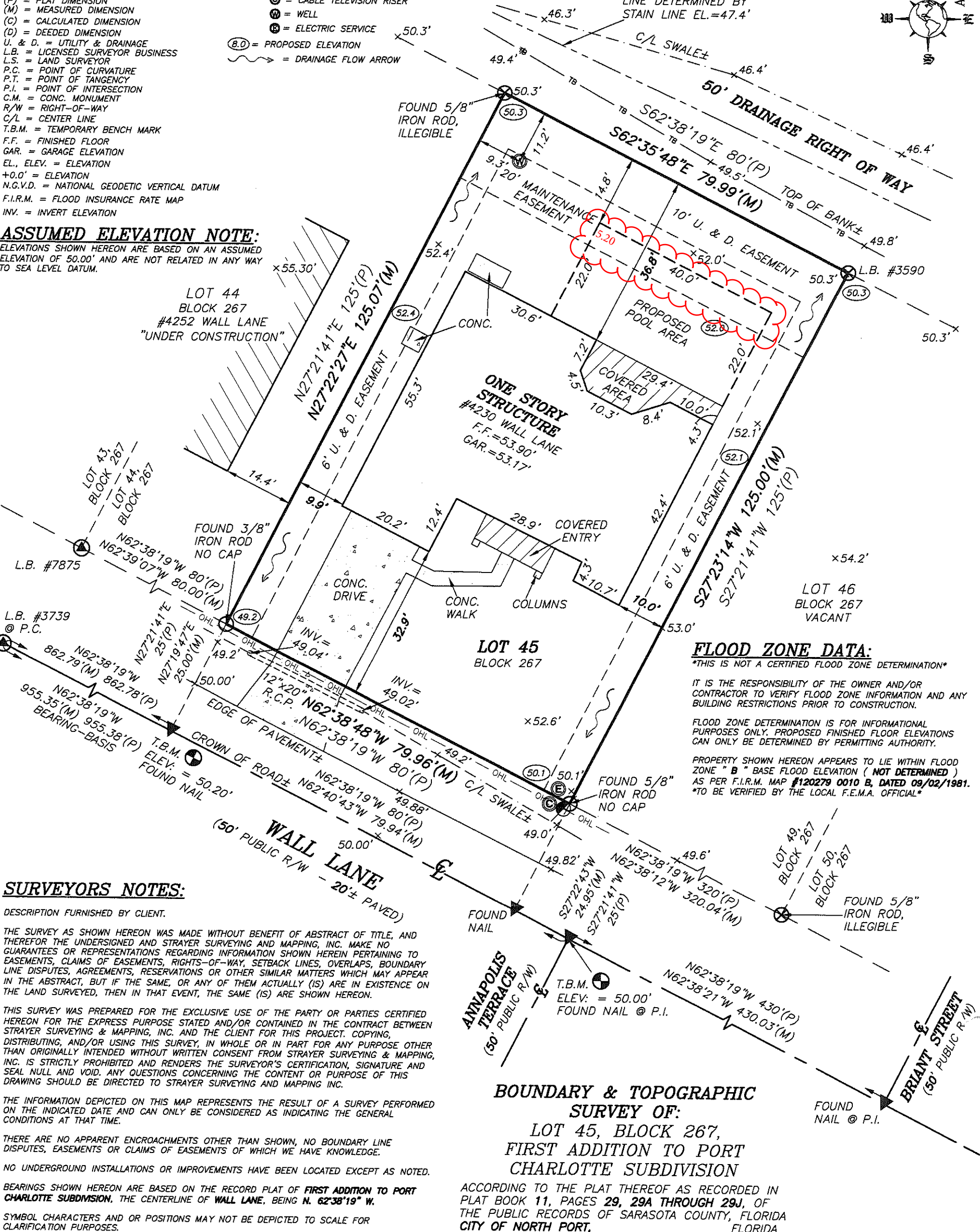
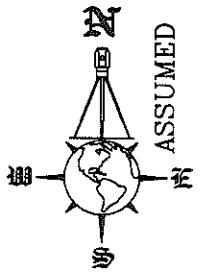
SECTION 27, TOWNSHIP 39S., RANGE 21E.

0 20 40



SCALE 1" = 20'

MEAN ANNUAL FLOOD LINE DETERMINED BY STAIN LINE EL.=47.4'



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 08/02/1981. *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 THEREFORE 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

CERTIFIED TO:

CLIFTON R. DAVIS AND ANNA L. DAVIS

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

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.

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

B.G. Kuhl

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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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

SUN



NEWSPAPERS

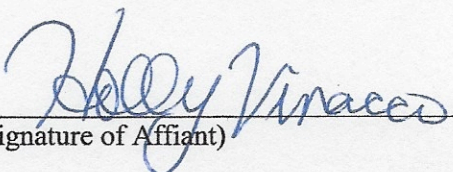
Charlotte • DeSoto • Englewood • North Port • Venice

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

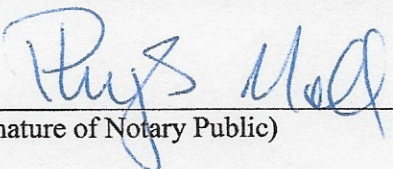
Before the undersigned authority personally appeared Holly Vinacco, who on oath says that she is legal clerk of the Charlotte Sun, the Englewood Sun, and the North Port Sun, each a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Notice of Intent, was published in said newspaper in the issue(s) of:

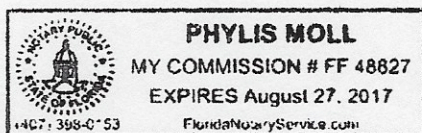
January 16 and 23, 2017

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.


(Signature of Affiant)

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


(Signature of Notary Public)



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 Statutes, 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