



7724 Grafton Road

Vacation of the Platted Rear Easement - (Petition VAC-24-042),
Resolution No. 24-R-31

STAFF REPORT

From: David Brown, Planner I

Thru: Hank Flores, AICP, CFM, Planning and Zoning Manager

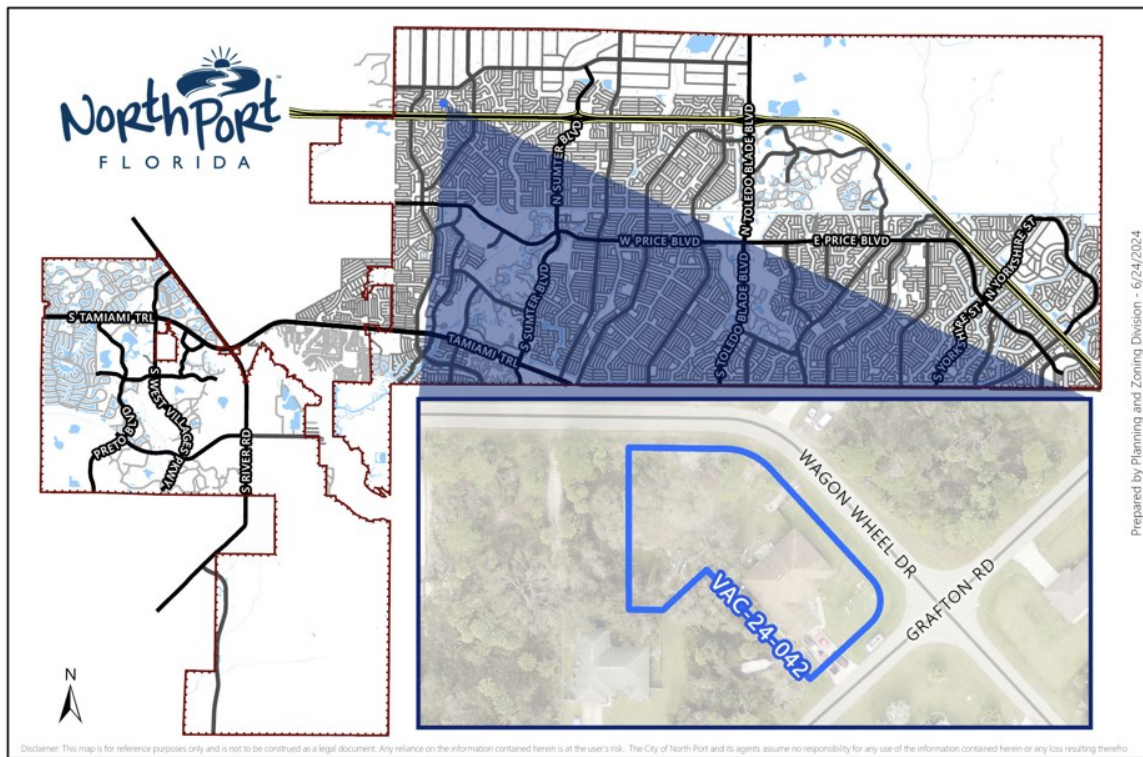
Thru: Lori Barnes, AICP, CPM, Assistant Director Development Services

Thru: Alaina Ray, AICP, Development Services Director

Thru: Jason Yarborough, ICMA-CM, Deputy City Manager

Thru: A. Jerome Fletcher III, ICMA-CM, MPA, City Manager

Date: July 11, 2024



Prepared by Planning and Zoning Division - 6/24/2024

- PROJECT:** 7724 Grafton Road vacation of the platted rear easement, VAC-24-042
- REQUEST:** Vacate the rear 10-foot Utility and Drainage easement in order to construct an in-ground swimming pool and pool cage
- APPLICANTS:** Derek Schiller (**Exhibit A—Affidavit**)
- OWNERS:** Derek Schiller (**Exhibit A—Warranty Deed**)
- LOCATION:** PID: 0949-13-9111
- PROPERTY SIZE:** ± 0.51 Acres (22,400 square feet)
- ZONING:** Residential Single Family 2 (RSF-2)

I. BACKGROUND

On March 13, 2024, the Planning & Zoning Division received an application petitioning the City of North Port to grant a vacation of the platted rear 10-foot Utility and Drainage easement located on Lot 11, Block 1391 of the 28th Addition to the Port Charlotte Subdivision. The applicant is requesting to vacate the 10-foot rear easement, containing approximately 900 square feet, in order to allow for the Construction of a pool and screen cage. The applicant also owns lot 10 which is located to the rear of lot 11 and has been combined with lot 11 through a Unity of Title (ORI# 2023117326). Lot 10 will maintain a 10 foot Utility and Drainage easement along the rear lot line. The City of North Port Public Works Department has reviewed this easement vacation and has expressed no concerns. The subject property is zoned Residential Single Family 2 (RSF-2) with a Future Land Use designation of Low Density Residential.

II. PROJECT SUMMARY

Derek and Leann Schiller are requesting a vacation of a ±900 square foot portion of the platted rear 10-foot Utility and Drainage easement on Lot 11 to allow for construction of a pool and screen cage.

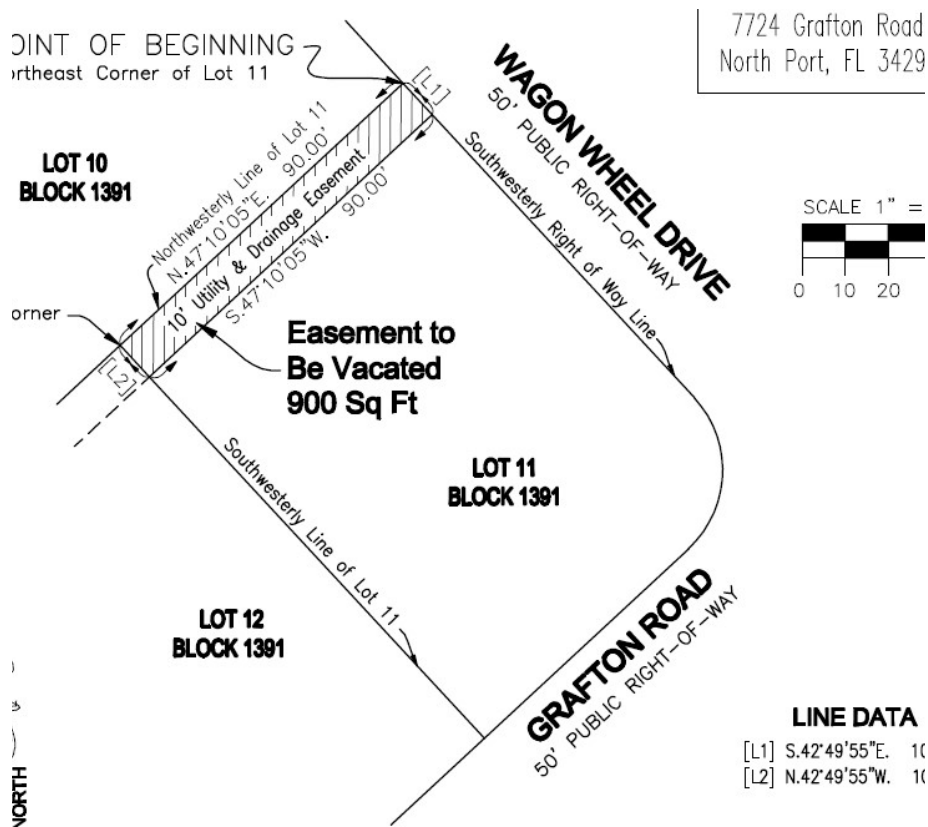


Figure 1—Sketch and description of easements to be vacated

III. REVIEW PROCESS

STAFF REVIEW

The following agencies have reviewed the request to vacate a portion of the platted rear 10-foot Utility and Drainage easement and through written response have granted their approval. (**Exhibit B—Notification to Utility agencies and responses**).

Utility Agency	Response
Amerigas	No response
Comcast/Truenet Communications	Is granted
Florida Power and Light	Is granted
Frontier	Is granted
North Port Fire/Rescue	Is granted
North Port Public Works	Is granted
North Port Utilities	Is granted

Please note that if no written response is received then it is assumed that the Utility agency has no objection.

Based on the responses received, the request to vacate the rear 10-foot Utility and Drainage easements 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.

CITY ATTORNEY REVIEW

The City Attorney has reviewed the accompanying Resolution 2024-R-31 as to form and correctness.

IV. DATA AND ANALYSIS

FLORIDA STATUTES

FLORIDA STATUTES CHAPTER 177

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

Findings & Conclusion: The warranty deed and affidavit provided to the City as a part of the application established that the property owners own the fee simple title of the subject property, and have authorized the applicant to file the subject application. Based on staff review (detailed as a part of Section III of this document), as well as the due-diligence correspondence with Utility agencies, it is determined that this vacation of the platted rear maintenance easement does not affect the ownership or right of convenient access of persons owning any other parts of the subdivision. The applicant filed a notice of intent to petition the City of North Port to vacate a portion of the rear utility easement by publishing a legal notice in the North Port Sun newspaper on April 17, 2024, and April 27, 2024 (**Exhibit C—Notice of Intent**). Additionally, the applicant has provided to the City of North Port Planning and Zoning Division, an application to request a partial vacation of platted rear maintenance easement, a Publisher’s Affidavit, certification that taxes have been paid, and all other requisite documents (**Exhibit D— Certification that all applicable taxes have been paid**).

ULDC CHAPTER 53

CHAPTER 53 ZONING REGULATIONS

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

Findings & Conclusion: Staff reviewed the Petition VAC-24-042 relative to ULDC Chapter 53 Zoning Regulations. Pursuant to the provisions in Florida Statutes Chapter 177.101, the applicant did file a notice of intent to apply to the City of North Port Planning & Zoning Division for two weekly issues on

April 28, 2024, and May 5, 2024. Additionally, the applicant provided to the City of North Port Planning and Zoning Division, an application to request a vacation of the platted rear maintenance easement, a Publisher's Affidavit, certification that taxes have been paid, and all requisite documents.

Staff concludes that the proposed Petition VAC-24-042 is consistent with Chapter 53 of the ULDC.

V. RECOMMENDED MOTION

Planning & Zoning Advisory Board

MOTION TO APPROVE: I move to recommend approval to the City Commission of Resolution No. 2024-R-31, as presented.

CITY COMMISSION

MOTION TO APPROVE: I move to approve Resolution No. 2024-R-31, as presented.

VI. ALTERNATIVE MOTIONS

PLANNING & ZONING ADVISORY BOARD

MOTION TO DENY: I move to recommend denial to the City Commission of Resolution No. 2024-R-31.

CITY COMMISSION

MOTION TO DENY: I move to deny Resolution No. 2024-R-31.

VII. PUBLIC HEARING SCHEDULE

Planning & Zoning Advisory Board Public Hearing	July 11, 2024 9:00 AM or as soon thereafter
City Commission Public Hearing	September 10, 2024 10:00 AM or as soon thereafter

VIII. EXHIBITS

A.	Warranty Deed and Affidavit
B.	Notification to Utility Agencies and Responses
C.	Notice of Intent
D.	Certification that all applicable taxes have been paid

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2023080563 2 PG(S)

5/17/2023 4:09 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
SIMPLIFILE Receipt # 3032555

Doc Stamp-Deed: \$238.00

Prepared by and Return To:
Greg Fisher
Fidelity National Title of Florida, Inc.
189 Center Road
Venice, FL 34285

Order No.: FTPA23-131217

APN/Parcel ID(s): 0949139109
0949139110

WARRANTY DEED

THIS WARRANTY DEED dated MAY 15, 2023, by Contra Risk Consulting LLC, a Florida Limited Liability Company, hereinafter called the grantor, to Derek Schiller, whose post office address is 7724 Grafton Rd., North Port, FL 34291, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Sarasota, State of Florida, to wit:

Parcel (s) 1

Lot 9, Block 1391, Twenty-Eighth Addition to Port Charlotte Subdivision, according to the map or plat thereof, as recorded in Plat Book 15, Page(s) 12, of the Public Records of Sarasota County, Florida.

And

Parcel (s) 2

Lot 10, Block 1391, Twenty-Eighth Addition to Port Charlotte Subdivision, according to the map or plat thereof, as recorded in Plat Book 15, Page(s) 12, of the Public Records of Sarasota County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

WARRANTY DEED
(continued)

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2022.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Signed, Sealed and Delivered in the presence of:

X [Signature]
 Witness Signature

X Gregory M. Fisher
 Print Name

X [Signature]
 Witness Signature

X Terri A. Reese
 Print Name

Contra Risk Consulting LLC, a Florida Limited Liability Company

X BY: [Signature]
 Artur Janta-Lipinski
 Manager

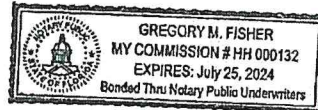
Address: 35 Grand Palms Blvd.
 Englewood, FL 34223

State of FLORIDA

COUNTY of Sarasota

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 15 day of MAY, 2023, by Artur Janta-Lipinski, Manager, to me known to be the person(s) described in or who has/have produced Drivers License as identification and who executed the foregoing instrument and he/she/they acknowledged that he/she/they executed the same.

X [Signature]
 Name: _____
 Notary Public in and for the State of FLORIDA
 My Commission Expires: _____



BE NEAREST WITNESSES RELIGIOUS USE AND PRINT YOUR NAME

AFFIDAVIT

I (the undersigned), Derek L. Schiller 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 17th day of July, 20 23

[Signature]
Signature of Applicant or Authorized Agent

Derek L. Schiller / owner
Print Name and Title

STATE OF Florida COUNTY OF SARASOTA

The foregoing instrument was acknowledged by me this 17th day of July, 20 23, by Derek Schiller who is personally known to me or has produced

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

Sworn and subscribed before me this 24th day of April, 2024

Alida Schiller
Signature of Applicant or Authorized Agent

Alida Schiller / owner
Print Name and Title

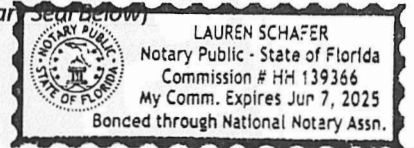
STATE OF Florida

COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 24th day of April, 2024, by Alida Schiller who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public

(Place Notary Seal Below)



AFFIDAVIT

AUTHORIZATION FOR AGENT/APPLICANT

I, _____, property owner, hereby authorize _____ to act as Agent on our behalf to apply for this application on the property described as (legal description) _____

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.

Signature - Notary Public

(Place Notary Seal Below)



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: April 1, 2024

PETITION NO: VAC-24-042

TO:

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

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

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

Lots 10 & 11, Block 1391, of the 28th to the Port Charlotte Subdivision, according to Plat thereof recorded in Plat Book 15, Page 12, 12A-12K, of the Public Records of Sarasota County, Florida, also known as street address: 7724 Grafton Road North Port, FL.

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

Is Granted (checked), Is not Granted, Is Granted with Conditions

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

Please respond by April 11, 2024 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.

Peter J. Marietti III Digitally signed by Peter J. Marietti III Date: 2024.04.02 11:45:18 -04'00'

Signature

941.240.8180

Phone No.

April 2, 2024

Date

North Port Fire Rescue District

Name of Utility

Please email responses to dbrown@northportfl.gov

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

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

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

Please respond by April 11, 2024 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.

Bradley Brenner Digitally signed by Bradley Brenner
Date: 2024.04.01 15:12:39 -04'00'

Signature
941-423-4847
Phone No.

04/011/2024

Date
FPL
Name of Utility

Please email responses to dbrown@northportfl.gov

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Stephen A. Waidley Digitally signed by Stephen A. Waidley Date: 2024.04.01 14:57:56 -04'00'

Signature

(941) 266-9218

Phone No.

4/1/2024

Date

Frontier Florida LLC

Name of Utility

Please email responses to dbrown@northportfl.gov

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TO:

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Amerigas
Florida Power and Light
Planning & Zoning

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

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

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Please respond by April 11, 2024 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.

Anthony C. Payne
Signature

04/01/2024
Date

Phone No.

NPPW
Name of Utility

Please email responses to dbrown@northportfl.gov

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Please respond by April 11, 2024 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

[Signature]

Signature

240 8021
Phone No.

04-02-24

Date

NP UTILITIES
Name of Utility

Please email responses to dbrown@northportfl.gov

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Sarasota County Tax Collector

generated on 7/17/2023 11:17:35 AM EDT

Tax Record

Last Update: 7/17/2023 11:17:35 AM EDT

Register for eBill

Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

Account Number 0949139110	Type Tax REAL ESTATE	Tax Year 2022
Mailing Address SCHILLER DEREK 7724 GRAFTON RD NORTH PORT FL 34291	Property Address WAGON WHEEL DR 005	Old Account Number 0949-13-9110
Base Exempt Amount see below	Taxable Value see below	
Exemption Detail NO EXEMPTIONS	Millage Code 0500	Escrow Code
Legal Description WAGON WHEEL DR LOT 10 BLK 1391 28TH ADD TO PORT CHARLOTTE		
Ad Valorem Taxes		
Taxing Authority	Rate	Assessed Value
		Exemption Amount
		Taxable Value
		Taxes Levied
Sarasota Co. General Revenue	3.2497	4,961
Mosquito Control	0.0500	4,961
Sarasota Co. Hospital Dist.	1.0420	4,961
West Coast Inland Navigation	0.0394	4,961
SW FL Water Management Dist.	0.2260	4,961
Bonds-Debt Service	0.0915	4,961
Sarasota Co. Legacy Trl	0.0551	4,961
Sarasota School Board		
School Board - State	3.0240	15,300
School Board - Local	3.2480	15,300
City of North Port	3.7667	4,961
Total Millage	14.7924	Total Taxes
		\$138.23
Non-Ad Valorem Assessments		
Code	Levying Authority	Amount
F093	North Port Fire & Rescue	\$80.83
R097	North Port Road & Drainage	\$173.28
R197	North Port R&D Capital Improve	\$46.00
Total Assessments		\$300.11
Taxes & Assessments		\$438.34
If Paid By		Amount Due
		\$0.00

Date Paid	Transaction	Receipt	Item	Amount Paid
1/18/2023	PAYMENT	9025243.0001	2022	\$429.57

Prior Year Taxes Due

NO DELINQUENT TAXES