



City of North Port

RESOLUTION NO. 2023-R-30

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF THE TWENTY FOOT UTILITY AND DRAINAGE EASEMENT ON THE NORTHEASTERLY BOUNDARY OF LOT 16, BLOCK 248, EIGHTH ADDITION TO PORT CHARLOTTE SUBDIVISION; PROVIDING FOR FINDINGS; PROVIDING FOR RECORDING; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the plat for this property reserves certain easements to the City of North Port; and

WHEREAS, this petition requests the vacation of all or a portion of the Easements; and

WHEREAS, the Planning and Zoning Advisory Board considered the petition at a public hearing on April 6, 2023 and made its recommendation to the City Commission; and

WHEREAS, Florida Statutes Section 177.101(3) authorizes the City Commission to adopt a resolution vacating plats in whole or in part.

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

SECTION 1 – FINDINGS

- 1.01 The above recitals are true and correct and are incorporated in this resolution.
- 1.02 In reliance upon Petition VAC-22-197, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
 - (a) Daniel Mora and Cynthia Mora own fee simple title to Lots 14, 15, and 16, Block 248, Eighth Addition to Port Charlotte Subdivision;
 - (b) Eighth Addition to Port Charlotte Subdivision recorded at Plat Book 12, Page 20-R of the official records of Sarasota County, Florida grants to the City of North Port, Florida 20 feet for the purpose of utility and drainage easements at the rear of Lot 16, Block 248 of the plat (“Easements”);

- (c) The petition requests that the City vacate a portion of the platted twenty-foot (20') utility and drainage easements;
- (d) The Easements are not needed to provide City service to any property;
- (e) Other than as identified in this resolution, no public utilities or City facilities are located or planned to be located in the area;
- (f) The Easements are not necessary to any logical extension of public utility service, sanitary sewer service, drainage, or other City services to any property in the future, or an alternate and equally acceptable easement of such extension has been dedicated to the City; and
- (g) The vacation requested will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
- (h) The City notified affected utilities, and the utilities have provided written responses recommending approval of the petition; and
- (i) The petition included evidence of the publication of a Notice of Intent, documentation of ownership, and certification that all taxes due have been paid by the current property owners.

1.03 All exhibits attached to this resolution are incorporated by reference.

SECTION 2 – VACATION OF EASEMENTS

2.01 The City Commission approves Petition VAC-22-197 to the extent provided in this resolution.

2.02 The City Commission vacates a ±13.20 square foot portion of its existing platted twenty (20)-foot-wide utility and drainage easements, as described below and depicted in the survey attached as Exhibit A:

A portion of a 20-foot-wide Maintenance Easement lying adjacent to the Southwesterly Right of Way Line of Creighton Waterway (a 100' wide Drainage Right of Way) and the Northeasterly Line of Lot 16, Block 248, Eighth Addition to Port Charlotte Subdivision, according to the plat thereof, as recorded In Plat Book 12, Pages 20 and 20-A through 20-Z-2, inclusive, of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Commencing at the Northeast corner of said Lot 16; thence S.59° 21'51"W. along the Southeasterly line of said Lot 16, a distance of 20.00'; thence along a curve to the left lying 20.00' Southwest of and concentric with the arc of said Southwesterly Right of Way Line of Creighton Waterway, having a radius of 830.00', a delta angle of 00° 48'02" and an arc length of 11.60' to the Point of Beginning; thence continue along this same curve, having a radius of 830.00', a delta angle of 03°27'08" and an arc length of 50.01'; thence N.56° 27'34"E., a distance of .053'; thence, S.33° 32'26"E., a distance of 50.00'; thence, S.56° 27'34"W. a distance of 0.50' to the Point of Beginning, and containing 13.2 Square Feet more or less.

SECTION 3 – RECORDING

3.01 The City Clerk is directed to file a certified copy of this resolution with the Sarasota County Clerk of the Circuit Court to be duly recorded in the official records of the county.

SECTION 4 – CONFLICTS

4.01 In the event of any conflict between the provisions of this resolution and any other resolution, in whole or in part, the provisions of this resolution will prevail to the extent of the conflict.

SECTION 5 – SEVERABILITY

5.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this resolution is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the resolution.

SECTION 6 – EFFECTIVE DATE

6.01 This resolution takes effect immediately.

ADOPTED by the City Commission of the City of North Port, Florida, in public session on _____, 2023.

CITY OF NORTH PORT, FLORIDA

BARBARA LANGDON
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

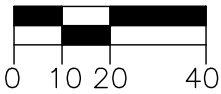
AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY

Sketch & Description for Partial Vacation of Easement

This is Not a Boundary Survey

Parcel #0985-02-4816
2296 Sadnet Lane
North Port, FL 34286

SCALE 1" = 40'



LOT 17
BLOCK 248

**PORTION
EASEMENT TO
BE VACATED**
13.2 SQUARE FEET

LOT 16
BLOCK 248

**POINT OF
BEGINNING**

LOT 15
BLOCK 248

CREIGHTON WATERWAY
100' DRAINAGE RIGHT OF WAY
Northeasterly line of Lot 16
Southwesterly Right of Way Line

SADNET LANE
50' PUBLIC RIGHT-OF-WAY

LINE DATA

[L1]	S.59°21'51"W.	20.00'
[L2]	N.56°27'34"E.	0.53'
[L3]	S.33°32'26"E.	50.00'
[L4]	S.56°27'34"W.	0.50'

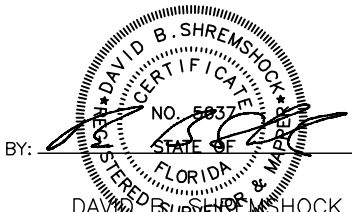
CURVE DATA

Curve (C1)	
Radius=	830.00'
Delta=	00°48'02"
Arc=	11.60'
Chord=	11.60'
Chord Brg.=	S.31°27'01"E.
Curve (C2)	
Radius=	830.00'
Delta=	03°27'08"
Arc=	50.01'
Chord=	50.00'
Chord Brg.=	S.33°34'36"E.

Description

A portion of the 20 foot wide Maintenance Easement lying adjacent to the Southwesterly Right of Way Line of Creighton Waterway (a 100' wide Drainage Right of Way) and the Northeasterly Line of Lot 16, Block 248, EIGHTH ADDITION TO PORT CHARLOTTE SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 12, Pages 20 & 20-A Through 20-Z-2, Inclusive, of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

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BY: _____ DATE: 1/26/2023

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

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

SHREMSHOCK SURVEYING, INC. LB #7747

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