



City of North Port

RESOLUTION NO. 2024-R-02

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF THE REAR MAINTENANCE EASEMENT FOR LOT 8, BLOCK 1134, 25TH 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 December 21, 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-23-240, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
 - (a) Perry William King Brindley owns fee simple title to Lot 8, Block 1134, 25th Addition to Port Charlotte Subdivision;
 - (b) The plat of the Twenty-fifth Addition to Port Charlotte Subdivision as recorded in Plat Book 15, pages 2, 2A through 2Q, inclusive, of the official records of Sarasota County, Florida, grants to the City of North Port, Florida, twenty (20) feet for the purpose of maintenance easements at the rear of Lot 8, Block 1134 of the plat (“Easements”);

- (c) The petition requests that the City vacate a portion of the platted twenty-foot (20") maintenance easement;
- (d) The Easement is not needed to provide City service to the property;
- (e) Other than as identified in this resolution, no public utilities or City facilities are located or planned to be located in the area;
- (f) The Easement is not necessary to any logical extension of public utility service, sanitary sewer service, drainage, or other City services to the 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 owner.

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-23-240 to the extent provided in this resolution.

2.02 The City Commission vacates a ± 400 square foot portion of its existing platted twenty-foot (20") wide maintenance easement, as described below and depicted in the survey attached as Exhibit A:

“A portion of Lot 8, Block 1134, Twenty-Fifth Addition to Port Charlotte Subdivision, According to the Plat thereof as recorded in Plat Book 15, Pages 2, 2A through 2Q, Public Records of Sarasota County, Florida, more particularly described as follows:

Commencing at the Southeast Corner of Said Lot 8; thence North 37°39'17" East, 105.00 feet; thence North 52°20'43" West, 80.00 feet; North 37°39'17" East, 5.00 feet; South 52°20'43" East, 80.00 feet; thence South 37°39'17" West, 5.00 feet to the Point of Beginning, containing 400 square feet more or less.

SECTION 3 – RECORDING

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

SECTION 4 – CONFLICTS

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

SECTION 5 – SEVERABILITY

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

SECTION 6 – EFFECTIVE DATE

6.01 This resolution takes effect immediately.

ADOPTED by the City Commission of the City of North Port, Florida, in public session on January 9, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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

**EXHIBIT A TO RESOLUTION NO. 2023-R-XX
 VACATING A PORTION OF THE REAR DRAINAGE MAINTENANCE EASEMENT FOR LOT 8, BLOCK 1134, TWENTY FIFTH ADDITION
 TO PORT CHARLOTTE SUBDIVISION**

LEGAL DESCRIPTION:

A PORTION OF LOT 8, BLOCK 1134, TWENTY-FIFTH ADDITION TO PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGES 2, 2A THROUGH 2Q, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 8, THENCE NORTH 37°39'17" EAST, 105.00 FEET; THENCE NORTH 52°20'43" WEST, 80.00 FEET; NORTH 37°39'17" EAST, 5.00 FEET; SOUTH 52°20'43" EAST, 80.00 FEET; THENCE SOUTH 37°39'17" WEST, 5.00 FEET TO THE POINT OF BEGINNING.

