



City of North Port

RESOLUTION NO. 2024-R-39

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING PUBLIC UTILITY AND PUBLIC DRAINAGE EASEMENTS FOR LOTS 1 AND 2, NORTH PORT GATEWAY WEST 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 5, 2024 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-24-045, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
 - (a) 5900 SBNP, LLC owns fee simple title to Lots 1 and 2, North Port Gateway West Subdivision;
 - (b) Public drainage and public utility easements shown on the plat of North Port Gateway West recorded in Plat Book 46, Page 33, and depicted in Instruments #2007080765 and #2007080766 of the official records of Sarasota County, Florida grants to the City of North Port, Florida 20 feet for the purpose of public drainage easements through Lot 1 as depicted in instrument number 2007080765, Plat Book 46, Page 33-A of the plat, and 20 feet for the purpose of public utility easements through Lots 1 and 2 as depicted in instrument number 2007080766, Plat Book 46, Page 33-A of the plat("Easements");

- (c) The petition requests that the City vacate the entirety of the platted twenty-foot (20') public drainage easement as depicted in instrument number 2007080765 and of the platted twenty-foot (20') public utility easement as depicted in instrument number 2007080766;
- (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-24-045 to the extent provided in this resolution.

2.02 The City Commission vacates a ± 16,467 square foot portion of its existing platted twenty-foot (20") wide public drainage easements, as described below and depicted in the survey attached as Exhibit A:

A 20 feet wide Public Drainage Easement over, under, and across those lands described in Official Records Instrument #2006085399, Public Records of Sarasota County, Florida; lying and being in Section 33, Township 39 South, Range 21 East, City of North Port, Sarasota County, Florida, being more particularly described as follows:

"Commence at the Southwest Corner of the plat of Sumter Southeast Subdivision, as per the plat thereof recorded in Plat Book 41, Page 35, of the Public Records of Sarasota County, Florida; also being a point on the Easterly Right of Way line of Sumter Boulevard (100' Public Right-of-Way), as shown on the Plat of "North Port Market Place", as recorded in Plat Book 39, Pages 25 & 25A, of said Public Records; being a point on a curve to the left, said curve having a radius of 450.00 feet, a central angle of 3°51'59", a chord bearing of S.13°26'19"W., and a chord length of 30.36 feet; thence along the arc of said curve 30.37 feet, for a Point of Beginning; thence N.82°41'45"E., 9.37 feet; thence S.07°21'11"E., 188.57 feet;

thence S.28°02'57"E., 109.38 feet; thence S.37°59'30"E., 99.73 feet; thence S.69°06'30"E., 335.17 feet; thence N.20°53'30"E., 53.29 feet; thence S.68°13'04"E., 20.00 feet; thence S.20°53'30"W., 72.98 feet; thence N.69°06'30"W., 360.74 feet; thence N.37°59'30"W., 92.28 feet; thence S.33°30'57"W., 14.99 feet, to said Easterly Right of Way line, being a point on a curve concave to the Northeast, said curve having a radius of 320.00 feet, a central angle of 3°45'55", a chord bearing of N.38°30'42"W., and a chord length of 21.03 feet, thence along the arc of said curve, and along said Right of Way line, a distance of 21.03 feet; thence leaving said Right of Way line, N.33°30'57"E., 16.43 feet; thence N.28°02'57"W., 107.98 feet; thence N.07°20'58"W., 156.23 feet, to said Easterly Right of Way line, being a point on a curve concave to the East, said curve having a radius of 450.00 feet, a central angle of 4°46'37", a chord bearing of N.09°07'01"E., and a chord length of 37.51 feet, thence along the arc of said curve, and along said Easterly Right of Way line, a distance of 37.52 feet, to the Point of Beginning."

Drainage Easement contains 16,467 sq. ft., more or less.

- 2.03 The City Commission vacates a ± 44,666.8 square foot portion of its existing platted twenty-foot (20") wide public utility easements, as described below and depicted in the survey attached as Exhibit B:

A 20 feet wide Public Utility Easement over, under, and across those lands described in Official Records Instrument #2006085399 and a portion of those lands described in Official Records Instrument #2006085401, Public Records of Sarasota County, Florida; lying and being in Section 33, Township 39 South, Range 21 East, City of North Port, Sarasota County, Florida, said easement lying 10 feet on each side of the following described centerline:

"Commence at the Southwest Corner of the plat of Sumter Southeast Subdivision, as per the plat thereof recorded in Plat Book 41, Page 35, of the Public Records of Sarasota County, Florida; also being a point on the Easterly Right of Way line of Sumter Boulevard, as described in Official Records Book 2895, Page 1916, of said Public Records; being a point on a curve to the left, said curve having a radius of 450.00 feet, a central angle of 6°42'15", a chord bearing of S.12°01'11"W., and a chord length of 52.62 feet; thence along the arc of said curve 52.65 feet, for a Point of Beginning, also designated Point "A", as labeled for convenience; thence N.85°27'05"E., 84.36 feet; thence S.69°19'39"E., 55.98 feet; thence S.52°58'59"E., 84.79 feet; thence S.69°19'39"E., 188.89 feet, to Point "B", as labeled for convenience; thence N.21°20'26"E., 39.83 feet, to the Southerly line of said Plat of Sumter Southeast Subdivision, for a Point of Terminus; thence returning to Point "B"; thence S.69°19'39"E., 153.25 feet; thence S.05°19'27"W., 134.09 feet; thence N.65°46'32"W., 285.71 feet, to Point "C", as labeled for convenience; thence N.20°24'56"E., 151.55 feet, to the Southerly line of said Plat of Sumter Southeast Subdivision, for a Point of Terminus; thence returning to Point "C"; thence N.75°20'57"W., 196.44 feet, to the final Point of Terminus of the centerline of said utility easement.

Together with:

Thence returning to aforementioned Point "A"; thence along the said Easterly Right of Way line of said Sumter Boulevard, being a curve to the left, said curve having a radius of 450.00 feet, a central angle of 17°38'59", a chord length of 138.07 feet, and a chord bearing of S.00°09'26"E., thence along the arc of said curve 138.62 feet to a point of compound curvature of a curve to the left, said curve having: a radius of 320.00 feet, a central angle of 10°49'24", a chord length of 60.36 feet, and a chord bearing of S.14°23'37"E., thence along the arc of said curve 60.45 feet, for a Point of Beginning of the centerline of a 20 feet wide utility easement, also designated Point "D", as labeled for convenience; thence N.72°26'14"E., 53.69 feet, to the Point of Terminus of said centerline.

Together with:

Thence returning to aforementioned Point "D"; thence along the Easterly Right of Way line of said Sumter Boulevard, being a curve to the left, said curve having: a radius of 320.00 feet, a central angle of 22°46'55", a chord length of 126.40 feet, and a chord bearing of S.31°11'46"E.; thence along the arc of said curve 127.24 feet to a point of reverse curvature of a curve to the right, said curve having a radius of 1070.00 feet, a central angle of 14°05'35", a chord length of 262.53 feet, and a chord bearing of S.35°32'26"E., thence along the arc of said curve 263.19 feet for a Point of Beginning of said utility easement, designated Point "E" as labeled for convenience; thence N.61°30'23"E., 9.72 feet, to the Point of Terminus of the centerline of said utility easement.

Together with an additional utility easement parcel not being a 20' wide strip and described as follows:

Thence returning to aforementioned Point "E"; thence along the Easterly Right of Way line of said Sumter Boulevard, being a curve to the Right, said curve having a radius of 1070.00 feet, a central angle of 17°52'38", a chord length of 332.50 feet, and a chord bearing of S.19°33'20"E., thence along the arc of said curve 333.86 feet, for a Point of Beginning; thence N.75°19'23"E., 106.83 feet; thence N.05°04'18"E., 486.39 feet, to the southerly line of the previously described utility easement; thence S.65°46'32"E., along said easement line, 32.25 feet; thence leaving said easement line, S.05°19'27"W., 642.61 feet; thence S.75°19'23"W., 131.35 feet, to a point on the Easterly Right of Way line of said Sumter Boulevard, being a curve to the left, said curve having a radius of 1070.00 feet, a central angle of 1°04'28", a chord length of 20.06 feet; and a chord bearing of N.10°04'47"W., thence along the arc of said curve 20.06 feet to the Point of Beginning.

Overall Utility Easement contains 44,666.8 sq. ft., 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 14, 2025.

CITY OF NORTH PORT, FLORIDA

PHIL STOKES
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL GOLEN, CPM
INTERIM CITY ATTORNEY

**EXHIBIT A TO RESOLUTION NO. 2024-R-39
VACATING PUBLIC UTILITY AND PUBLIC DRAINAGE EASEMENTS FOR LOTS 1 AND 2, NORTH PORT GATEWAY WEST
SUBDIVISION**

