



## City of North Port

### RESOLUTION NO. 2023-R-33

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF MAINTENANCE, UTILITY, AND DRAINAGE EASEMENTS FOR LOT 23, BLOCK 1936, FORTY-FIRST 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 20, 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-22-272, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
  - (a) Mirosław Czekanski and Michaela Berner-Czekanski own fee simple title to Lot 23, Block 1936, Forty-First Addition to Port Charlotte Subdivision;
  - (b) The plat of the Forty-First Addition to Port Charlotte Subdivision as recorded in Plat Book 16, pages 42, 42A through 42F of the official records of Sarasota County, Florida grants to the City of North Port, Florida, a 20 foot maintenance easement and a 10 foot utility and drainage easement, both at the rear of Lot 23, Block 1936 of the plat (“Easements”);

- (c) The petition requests that the City vacate a portion of the platted twenty-foot (20") maintenance easement and a portion of the platted ten-foot (10') utility and drainage easement to be occupied by a pool deck;
- (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;
- (g) The vacation requested will not affect the ownership or right of convenient access of persons owning other parts of the subdivision;
- (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-22-272 to the extent provided in this resolution.

2.02 The City Commission vacates a ± 570.32 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 23, Block 1936 and a portion of a 20 foot maintenance easement, Forty-First Addition to Port Charlotte Subdivision as recorded in the Official Records for Sarasota County, Florida in Plat Book 16, 42A through 42F, inclusive.

More particularly described as follows:

“Commence at the southeast corner of said Lot 23, Block 1936; thence north 89°34'43" west along the south line of said Lot 23, Block 1936, a distance of 20.00 feet; thence north 00°25'17" east, a distance of 17.97 feet to the point of beginning; thence continue north 00°25'17" east, a distance of 59.46 feet; thence north 86°54'27" east, a distance of 9.13 feet; thence south 03°05'33" east, a distance of 45.35 feet; thence south 36°03'47" west, a distance of 18.05 feet; thence south 86°54'27" west, a distance of 1.38 feet to the point of beginning.

Said lands situate and being in Sarasota County, Florida and contains 570.32 square feet, more or less.”

- 2.03 The City Commission vacates a ± 31.73 square foot portion of its existing platted ten-foot (10') wide utility and drainage easement, as described below and depicted in the survey attached as Exhibit B:

A portion of Lot 23, Block 1936 and a portion of a 10 foot utility and drainage easement, Forty-First Addition to Port Charlotte Subdivision as recorded in the Official Records for Sarasota County, Florida in Plat Book 16, 42A through 42F, inclusive.

More particularly described as follows:

Vacation of a part of the 10-foot utility and drainage easement to be occupied by a pool deck at the rear of Lot 23, Block 1936

“Commence at the southeast corner of said Lot 23, Block 1936; thence north 89°34'43” west along the south line of said Lot 23, Block 1936, a distance of 10.00 feet; thence north 00°25'17” east, a distance of 30.08 feet to the point of beginning; thence continue north 00°25'17” east, a distance of 33.50 feet; thence south 03°05'33” east, a distance of 30.91 feet; thence south 36°03'47” west, a distance of 3.25 feet to the point of beginning.

Said lands situate and being in Sarasota County, Florida and containing 31.73 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 May 9, 2023.

CITY OF NORTH PORT, FLORIDA

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BARBARA LANGDON  
MAYOR

ATTEST

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HEATHER FAUST, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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

# EXHIBIT "A"

## SKETCH OF DESCRIPTION FOR PARTIAL VACATION OF 20 FOOT MAINTENANCE EASEMENT

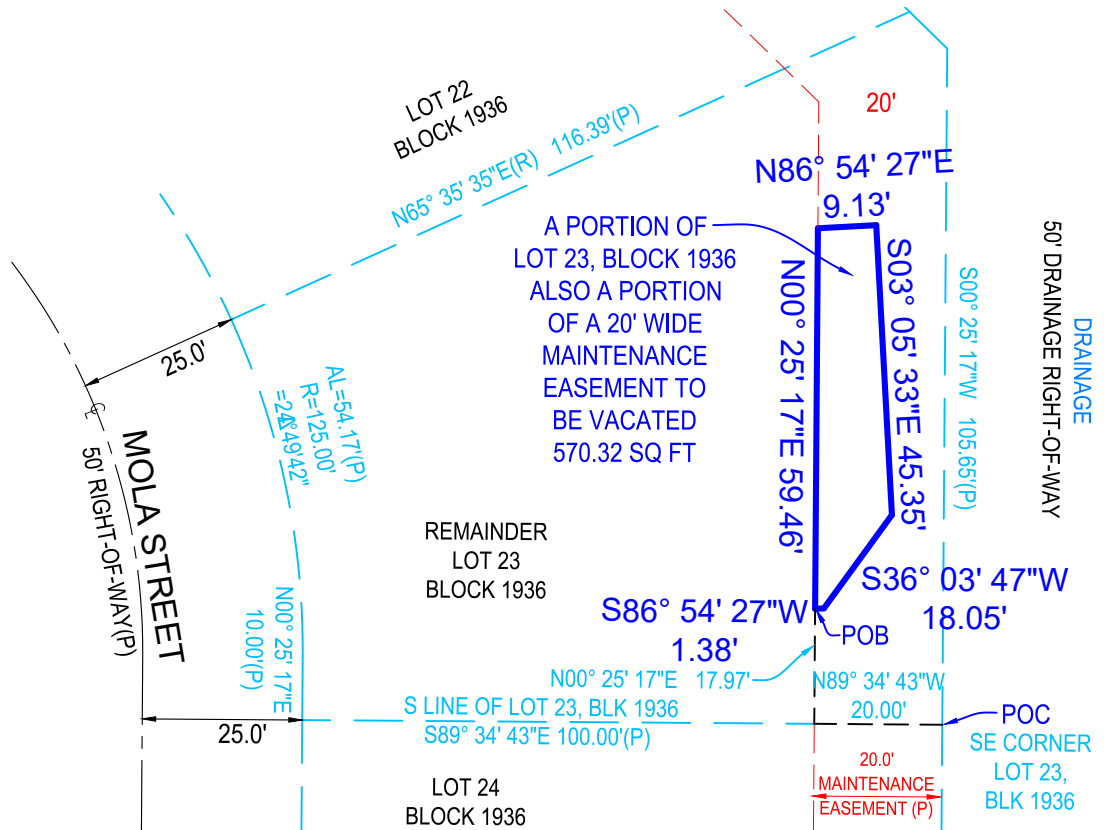
NOT A BOUNDARY SURVEY  
A PORTION OF THE NE ONE-QUARTER OF SECTION 30, TOWNSHIP 39 SOUTH, RANGE 21 EAST



SCALE: 1"=30'

**ABBREVIATIONS:**

SR	STATE ROAD
HWY	HIGHWAY
LB	LICENSED BUSINESS
SCR	SARASOTA COUNTY RECORDS
ORB	OFFICIAL RECORD BOOK
PSM	PROFESSIONAL SURVEYOR MAPPER
R/W	RIGHT OF WAY
PG	PAGE
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING



**LEGAL DESCRIPTION:**

A PORTION OF LOT 23, BLOCK 1936 AND A PORTION OF A 20 FOOT MAINTENANCE EASEMENT, FORTY-FIRST ADDITION TO PORT CHARLOTTE SUBDIVISION AS RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR SARASOTA COUNTY, FLORIDA, IN PLAT BOOK 16, PAGES 42, 42A THROUGH 42F, INCLUSIVE.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 23, BLOCK 1936; THENCE NORTH 89°34'43" WEST ALONG THE SOUTH LINE OF SAID LOT 23, BLOCK 1936, A DISTANCE OF 20.00 FEET; THENCE NORTH 00°25'17" EAST, A DISTANCE OF 17.97 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°25'17" EAST, A DISTANCE OF 59.46 FEET; THENCE NORTH 86°54'27" EAST, A DISTANCE OF 9.13 FEET; THENCE SOUTH 03°05'33" EAST, A DISTANCE OF 45.35 FEET; THENCE SOUTH 36°03'47" WEST, A DISTANCE OF 18.05 FEET; THENCE SOUTH 86°54'27" WEST, A DISTANCE OF 1.38 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE AND BEING IN SARASOTA COUNTY, FLORIDA AND CONTAINS 570.32 SQUARE FEET, MORE OR LESS.

**NOTES:**

- NO SEARCH OF THE PUBLIC RECORD FOR THE PURPOSE OF ABSTRACTING TITLE WAS PERFORMED BY THIS OFFICE
- BEARING BASIS: THE SOUTH LINE OF LOT 23, BLK 1936, FORTY-FIRST ADD TO PORT CHARLOTTE SUB, S89°34'43"E PER PLAT BOOK 16, PAGES 42, 42A-42F, INCLUSIVE, SARASOTA COUNTY RECORDS.

PROJECT NO. 1000205090

SHEET 1 OF 1 (SKETCH OF DESCRIPTION)

DRAWN BY: KDM

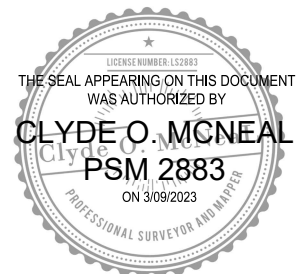


1547 PROSPERITY FARMS ROAD  
WEST PALM BEACH, FL 33403  
NexgenSurveying.com LB#8111

PH: 561.508.6272

FAX: 561.508.6309

I HEREBY CERTIFY THAT THIS SKETCH OF DESCRIPTION MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



# EXHIBIT "B"

## SKETCH OF DESCRIPTION FOR PARTIAL VACATION OF 10 FOOT UTILITY AND DRAINAGE EASEMENT

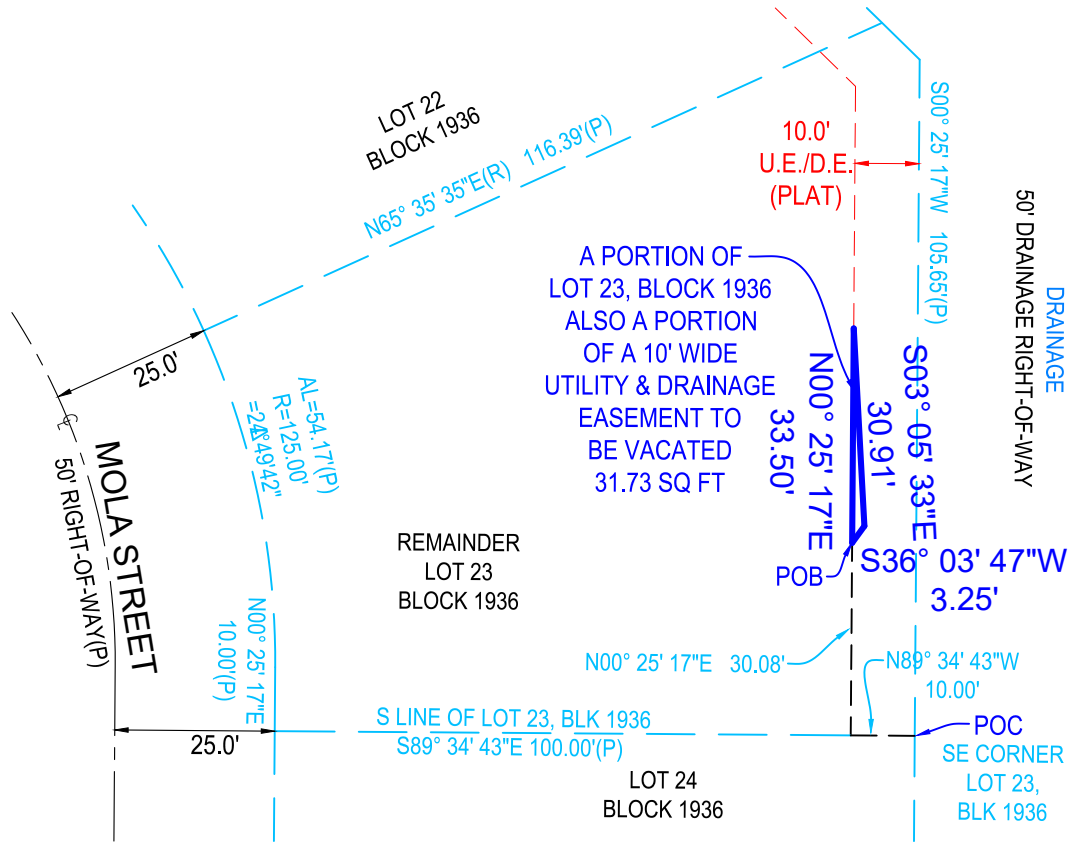
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