



# City of North Port

## RESOLUTION NO. 2024-R-19

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF THE REAR MAINTENANCE EASEMENT OF LOT 13, BLOCK 1328, 26TH 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 June 6, 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-24-031, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
  - (a) David H. Ulrich and Anita L. Ulrich own fee simple title to Lot 13, Block 1328, Twenty-sixth Addition to Port Charlotte Subdivision;
  - (b) The plat of the Twenty-sixth Addition to Port Charlotte Subdivision as recorded in Plat Book 15, pages 3, 3A through 3S, inclusive, of the Official Records of Sarasota County, Florida grants to the City of North Port, Florida, 20 feet for the purpose of maintenance easement at the rear of Lot 13, Block 1328 of the plat (“Easement”);

- (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 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 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; 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-24-031 to the extent provided in this resolution.

2.02 The City Commission vacates a ± 185 square foot portion of its existing platted twenty-foot (20") wide maintenance easement, as described below and depicted as attached in Exhibit A:

“A PORTION OF THE 20 FOOT DRAINAGE MAINTENANCE EASEMENT ACROSS THE REAR OF LOT 13, BLOCK 1328, 26TH ADDITION TO PORT CHARLOTTE SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGES 3, 3A THROUGH 3S, INCLUSIVE, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 13; THENCE N 74°32'12" W ALONG THE SOUTHERLY LINE OF SAID LOT 13, 20.06 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN N 15°27'48" E, 10.64 FEET TO A POINT ON THE WESTERLY LINE OF SAID LAKE MAINTENANCE EASEMENT AND THE POINT OF BEGINNING; SAID POINT BEING ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 990.00 FEET, A CENTRAL ANGLE OF 01°37'27", A CHORD BEARING OF N 14°02'07" E AND A CHORD DISTANCE OF 28.06 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 28.06 FEET; THENCE DEPARTING SAID WESTERLY LINE, RUN S 76°57'33" E, 6.42 FEET; THENCE S 13°02'27" W, 28.06 FEET; THENCE N 76°57'33" W, 6.91 FEET TO THE POINT OF BEGINNING.

CONTAINING: 185 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 June 25, 2024.

CITY OF NORTH PORT, FLORIDA

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ALICE WHITE  
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 TO RESOLUTION NO. 2024-R-19

SKETCH OF DESCRIPTION  
FOR PARTIAL RELEASE OF EASEMENT

SHEET 1 OF 1

LEGAL DESCRIPTION:

A PORTION OF THE 20 FOOT DRAINAGE MAINTENANCE EASEMENT ACROSS THE REAR OF LOT 13, BLOCK 1328, 26TH ADDITION TO PORT CHARLOTTE SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 15, PAGES 3, 3A THROUGH 35, INCLUSIVE, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 13; THENCE N 74°32'12" W ALONG THE SOUTHERLY LINE OF SAID LOT 13, 20.06 FEET; THENCE DEPARTING SAID SOUTH LINE, RUN N 15°27'48" E, 10.64 FEET TO A POINT ON THE WESTERLY LINE OF SAID DRAINAGE MAINTENANCE EASEMENT AND THE POINT OF BEGINNING; SAID POINT BEING ON A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 990.00 FEET, A CENTRAL ANGLE OF 01°37'27", A CHORD BEARING OF N 14°02'07" E AND A CHORD DISTANCE OF 28.06 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, 28.06 FEET; THENCE DEPARTING SAID WESTERLY LINE, RUN S 76°57'33" E, 6.42 FEET; THENCE S 13°02'27" W, 28.06 FEET; THENCE N 76°57'33" W, 6.91 FEET TO THE POINT OF BEGINNING.

CONTAINING: 185 SQUARE FEET, MORE OR LESS.



LINE TABLE		
LINE	BEARING	DISTANCE
L-1	N 74°32'12" W	20.06'
L-2	N 15°27'48" E	10.64'
L-3	S 76°57'33" E	6.42'
L-4	S 13°02'27" W	28.06'
L-5	N 76°57'33" W	6.91'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING
C-1	990.00'	01°37'27"	28.06'	N 14°02'07" E

ABBREVIATIONS / LEGEND		SURVEYOR'S CERTIFICATE	
LB = LICENSED BUSINESS	PTI = POINT OF TANGENCY	I HEREBY CERTIFY THAT THE SKETCH OF DESCRIPTION OF THE HEREON DESCRIBED PROPERTY WAS PREPARED UNDER MY DIRECT SUPERVISION AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 12-174.260 THROUGH 12-174.262, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.	
PL = PLAT BOOK	P.O.B. = POINT OF BEGINNING		
PC = POINT OF CURVATURE	DR = DRAINAGE MAINTENANCE EASEMENT		
POI = POINT OF INTERSECTION	CH = CHANGE IN DIRECTION		
POB = POINT OF BEGINNING	CL = CENTER LINE		
POC = POINT OF COMMENCEMENT	R/W = RIGHT OF WAY		

CERTIFIED BY: JON SHOEMAKER PSM NO. 5144  
 FIRST CHOICE SURVEYING, INC.  
 P.O. BOX 470978, LAKE MONROE, FL 32747  
 407.951.3425 (Office) 407.526.5453 (Fax) LB #7564

CERTIFIED TO: ANTHONY CAPOTOSTO / LUXE REALTY

DATE: 02/10/2022

IN ACCORDANCE WITH CH-64-17 OF THE FLORIDA ADMINISTRATIVE CODE, THIS DESCRIPTION AND SKETCH OF DESCRIPTION BEARS THE NOTATION:

**THIS IS NOT A SURVEY**

**SURVEYOR'S NOTES**

- BEARINGS ARE BASED ON THE CHORD OF MERMELL CIRCLE, AS BEING, N 13°02'40" E, PER PLAT, ASSUMED.
- THIS DRAWING IS A DESCRIPTION SKETCH ONLY AND DOES NOT REPRESENT A FIELD SURVEY OF THE PARCEL DESCRIBED.

PROPERTY ADDRESS: 4364 MERMELL CIRCLE, NORTH PORT, FLORIDA 34231				
P.I.D NO. 0350132813	DRAWN	KS	DATE	02/09/22
	CHECKED	CF	DATE	02/10/22
			SCALE	1"=30'
			JOB NO.	6556