

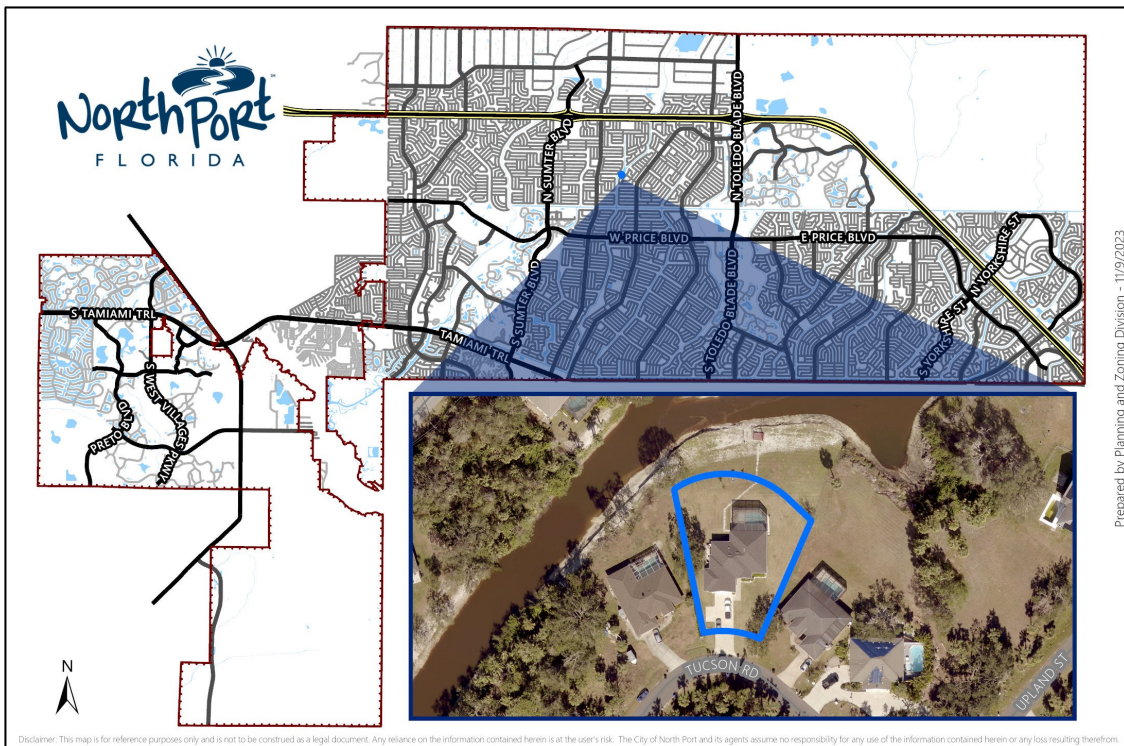


STAFF REPORT

3383 Tucson Road

Vacation of a Portion of the Platted Rear Easement (Petition VAC-23-237), Resolution No. 2024-R-03

- From:** David Brown, Planner I
- Thru:** Hank Flores, AICP, CFM, Planning & Zoning Manager
- Thru:** Lori Barnes, AICP, CPM, Assistant Director Development Services
- Thru:** Alaina Ray, AICP, Development Services Director
- Thru:** Jason Yarborough, ICMA-CM, Assistant City Manager
- Thru:** A. Jerome Fletcher III, ICMA-CM, MPA, City Manager
- Date:** December 21, 2023



Prepared by Planning and Zoning Division - 11/9/2023

Disclaimer: This map is for reference purposes only and is not to be construed as a legal document. Any reliance on the information contained herein is at the user's risk. The City of North Port and its agents assume no responsibility for any use of the information contained herein or any loss resulting therefrom.

PROJECT:	3383 Tucson Road partial vacation of the platted rear easement, VAC-23-237
REQUEST:	Vacate a portion of the rear drainage maintenance easement to correct existing in-ground swimming pool
APPLICANTS:	Lori Vierneisel (Exhibit A—Affidavit)
OWNERS:	Randy Lynn Allison & Johnna Geralyn Allison (Exhibit A—Warranty Deed)
LOCATION:	PID: 0963-08-1432
PROPERTY SIZE:	± 0.43 Acre (18,772 square feet)
ZONING:	Residential Single Family 2 (RSF-2)

I. BACKGROUND

On September 5, 2023, the Planning & Zoning Division received an application petitioning the City of North Port to grant a vacation of a portion of the platted rear 20-foot drainage maintenance easement located on Lot 32, Block 814 of the 19th Addition to the Port Charlotte Subdivision. The applicant is requesting to vacate a portion of the 20-foot rear easement, approximately 2.08 square feet, in order to allow for an existing pool that was constructed within the easement in error. The subject property is zoned Residential Single Family 2 (RSF-2) with a Future Land Use designation of Low Density Residential.

II. PROJECT SUMMARY

Lori Vierneisel, agent for the property owners, Randy Lynn Allison and Johnna Geralyn Allison, are requesting a vacation of a ± 2.08 square foot portion of the platted rear 20-foot drainage maintenance easement on Lot 32 to allow for an existing pool that was constructed within the easement to the rear of the home in error. The applicant previously applied for a variance from the Unified Land Development Code (ULDC), Section 53-240 (CC)(2) to allow a pool with a 19.4-foot rear setback where a 20-foot rear setback is required. The variance petition (VAR-20-210) was approved by the Zoning Board of Appeals on December 11, 2020.

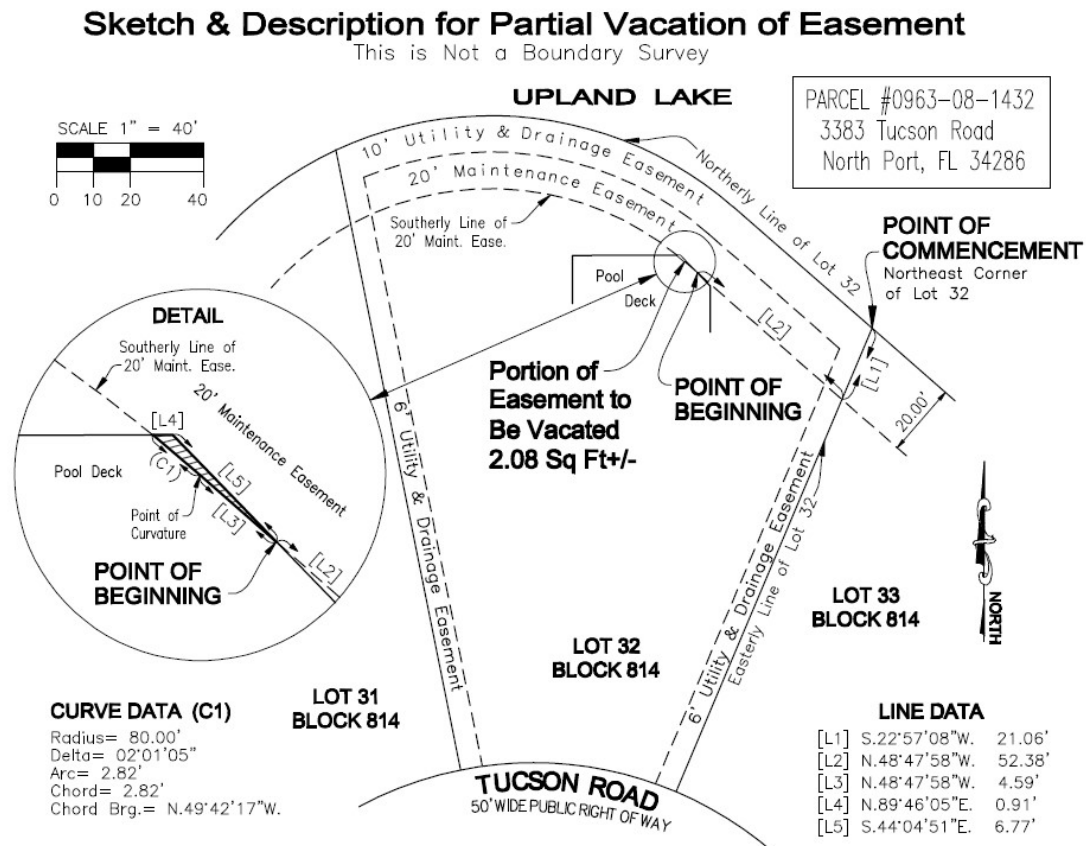


Figure 1—Sketch and description of easements to be vacated

III. REVIEW PROCESS

STAFF REVIEW

The following agencies have reviewed the request to vacate a portion of the platted rear 20-foot drainage maintenance easement and through written response have granted their approval. (**Exhibit B— Notification to Utility agencies and responses**).

Utility Agency	Response
Amerigas	No response
Comcast/Truenet Communications	No response
Florida Power and Light	No response
Frontier	Is granted
North Port Fire/Rescue	Is granted
North Port Public Works	Is granted
North Port Utilities	Is granted

If no response is received within 10 days, it is assumed that there is no issue with the vacation of easement.

Based on the responses received, the request to vacate the rear 20-foot drainage maintenance easements meets the following:

1. It is a vacation of a public easement.
2. The easement is not needed to provide City service to any property.
3. No public utilities or City facilities are located or planned to be located in the area.
4. 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.

CITY ATTORNEY REVIEW

The City Attorney has reviewed the accompanying Resolution 2024-R-03 as to form and correctness.

IV. DATA AND ANALYSIS

FLORIDA STATUTES CHAPTER 177

FLORIDA STATUTES CHAPTER 177

Chapter 177 of the Florida Statutes provides requirements that regulate and control the platting of lands. Furthermore, Chapter 177.101 of the Florida Statutes lists the actions needed in making an application for vacation of plats either in whole or in part. The individual requesting a partial vacation of plat must give notice of their intention to apply to the governing body to vacate the plat by publishing a legal notice in a newspaper of general circulation in the county in which the tract or parcel of land is located, in not less than two weekly issues of said paper, and must attach to the petition for vacation the proof of said publication, together with proof that taxes have been paid.

Findings & Conclusion: The warranty deed and affidavit provided to the City as a part of the application established that the property owners own the fee simple title of the subject property, and have authorized the applicant to file the subject application. Based on staff review (detailed as a part of Section III of this document), as well as the due-diligence correspondence with Utility agencies, it is determined that this vacation of the platted rear maintenance easement does not affect the ownership or right of convenient access of persons owning any other parts of the subdivision. The applicant filed a notice of intent to petition the City of North Port to vacate a portion of the rear utility easement by publishing a legal notice in the North Port Sun newspaper on December 6, 2023, and December 13, 2023 (**Exhibit C—Notice of Intent**). Additionally, the applicant has provided to the City of North Port Planning & Zoning Division, an application to request a partial vacation of platted rear maintenance easement, a Publisher's Affidavit, certification that taxes have been paid, and all other requisite documents (**Exhibit D— Certification that all applicable taxes have been paid**).

ULDC CHAPTER 53

CHAPTER 53 ZONING REGULATIONS

The Unified Land Development Code (ULDC) contains regulations that govern the development and land use within the incorporated area of the City of North Port, Florida. Chapter 53 of the ULDC, Part 4. Administrative Provisions, Article XXIII. Administration and Enforcement, Sec. 53-267(D) allows for a vacation of platted easements provided that platted easements shall be vacated in accordance with Florida Statutes Chapter 177.

Findings & Conclusion: Staff reviewed the Petition VAC-23-237 relative to ULDC Chapter 53 Zoning Regulations. Pursuant to the provisions in Florida Statutes Chapter 177.101, the applicant did file a notice of intent to apply to the City of North Port Planning & Zoning Division for

two weekly issues on December 6, 2023, and December 13, 2023. Additionally, the applicant provided to the City of North Port Planning & Zoning Division, an application to request a vacation of the platted rear maintenance easement, a Publisher's Affidavit, certification that taxes have been paid, and all requisite documents.

Staff concludes that the proposed Petition VAC-23-237 is consistent with Chapter 53 of the ULDC.

IV. RECOMMENDED MOTION

PLANNING AND ZONING ADVISORY BOARD—

The Planning and Zoning Division recommends that the Planning & Zoning Advisory Board recommend approval of VAC-23-237 and motion as follows: move to find Petition No. VAC-23-237, consistent with the City of North Port Comprehensive Plan based on the competent substantial evidence as presented and recommend the City Commission approve Resolution No. 2024-R-03.

CITY COMMISSION—

The City Commission approve VAC-23-237 Resolution 2024-R-03 and motion as follows:

I move to find Petition No. VAC-23-237, Resolution 2024-R-03, the vacation of ± 2.08 square feet of the platted rear 20-foot drainage maintenance easement of Lot 32, Block 814 of the 19th Addition to the Port Charlotte Subdivision is consistent with City of North Port Unified Land Development Code and the State Statutes based on the competent substantial evidence as presented and approve Resolution 2024-R-03.

V. ALTERNATIVE MOTIONS

PLANNING AND ZONING ADVISORY BOARD—

1. **RECOMMEND PARTIAL APPROVAL** of Petition No. VAC-23-237.

I move to find Petition No. VAC-23-237, consistent with the City of North Port Comprehensive Plan based on the competent substantial evidence as presented and recommend the City Commission approve Resolution No. 2024-R-03, vacating ± 2.08 square feet of the maintenance easement and ± 2.08 square feet of the drainage maintenance easement.

2. **RECOMMEND DENIAL** of Petition No. VAC-23-237.

V. ALTERNATIVE MOTIONS (CONTINUED)

I move to find Petition No. VAC-23-237, not consistent with the City of North Port Comprehensive Plan based on the competent substantial evidence as presented and recommend the City Commission deny Resolution No. 2024-R-03.

CITY COMMISSION—

1. **PARTIAL APPROVAL** of Petition No. VAC-23-237.

I move to find Petition No. VAC-23-237, Resolution 2024-R-03, the vacation of ±2.08 square feet of the platted rear 20 foot drainage maintenance easement of Lot 32, Block 814 of the 19th Addition to the Port Charlotte Subdivision is consistent with City of North Port Unified Land Development Code and the State Statutes based on the competent substantial evidence as presented and partially approve Resolution 2024-R-03, vacating ±2.08 square feet of the maintenance easement and ±2.08 square feet of the utility and drainage easement.

2. **DENIAL** of Petition No. VAC-23-237.

I move to find Petition No. VAC-23-237, Resolution 2024-R-03, the vacation of ±2.08 square feet of the platted rear 20 foot drainage maintenance easement of Lot 32, Block 814 of the 19th Addition to the Port Charlotte Subdivision is not consistent with City of North Port Unified Land Development Code and the State Statutes based on the competent substantial evidence as presented and deny Resolution 2024-R-03.

VI. PUBLIC HEARING SCHEDULE

Planning & Zoning Advisory Board Public Hearing	December 21, 2023 9:00 AM or as soon thereafter
City Commission Public Hearing	January 9, 2024 10:00 AM or as soon thereafter

VII. EXHIBITS

A.	Warranty Deed and Affidavit
B.	Notification to Utility Agencies and Responses
C.	Notice of Intent
D.	Certification that all applicable taxes have been paid

This Instrument Prepared by and return to:
Taylor Parr
Hometown Title & Closing Services, LLC
2091 Tamiami Trail, Unit B
Port Charlotte, FL 33948
Our File No.: 20230298
Property Appraisers Parcel Identification (Folio) Number: 096301432
Florida Documentary Stamps in the amount of \$3,745.00 have been paid hereon.

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED

THIS WARRANTY DEED, made the 28th day of April, 2023 by
Laurel A. Vierneisel, Individually and as Trustee of the Vierneisel Family Trust under provisions of a Trust Agreement dated August 28, 2017, an Unmarried Widow
whose post office address is
herein called the Grantor, to
Randy Lynn Allison and Johnna Geralyn Allison, Husband and Wife
whose post office address is 3383 Tucson Road, North Port, FL 34286
hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

W I T N E S S E T H: That the Grantor, for and in consideration of the sum of Five Hundred Thirty-Five Thousand and 00/100 (**\$535,000.00**) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in Sarasota County, State of Florida, viz.:

Lot 32, Block 814, 19th ADDITION TO PORT CHARLOTTE SUBDIVISION, according to the plat thereof, as recorded in Plat Book 14, pages 7, 7A through 7F, inclusive, of the Public Records of Sarasota County, Florida.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to January 1, 2023.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Vierneisel Family Trust under provisions of
a Trust Agreement dated August 28, 2017

[Signature]
Witness #1 Signature
C J ARNETA

By: *Laurel A Vierneisel*
Laurel A. Vierneisel, Individually and as
Trustee

Witness #1 Printed Name

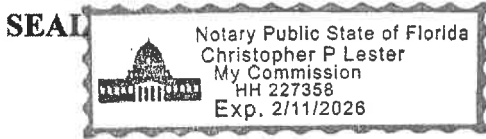
Michael Guerra
Witness #2 Signature

Michael Guerra
Witness #2 Printed Name

State of FLORIDA

County of SARASOTA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 25TH day of April, 2023, by Laurel A. Vierneisel, who is personally known to me or has produced Driver's License as identification and did not take an oath.



Christopher P Lester
Notary Public

My commission expires: **FEBRUARY 11, 2026**

X

AFFIDAVIT

I (the undersigned), Laurel Vierniseil being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner of the property described and which is the subject matter of the proposed application; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and accurate to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be processed or hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I authorize City of North Port staff and agents to visit the site as necessary for proper review of this application. *If there are any special conditions such as locked gates, restricted hours, guard dogs, etc., please provide the name and telephone number of the individual who can allow access.*

Sworn and subscribed before me this 11 day of OCTOBER, 2023

Laurel Vierniseil
Signature of Applicant or Authorized Agent

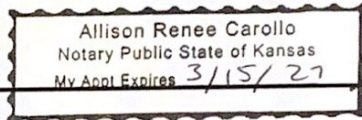
Laurel Vierniseil
Print Name and Title

STATE OF Kansas COUNTY OF Johnson

The foregoing instrument was acknowledged by me this 11 day of October, 2023, by Laurel Vierniseil who is personally known to me or has produced drivers license as identification.

(Place Notary Seal Below)

[Signature]
Signature - Notary Public



AFFIDAVIT

AUTHORIZATION FOR AGENT/APPLICANT

I, Randy L Allison & Johanna C Allison, property owner, hereby authorize Laurel Vierniseil to act as Agent on our behalf to apply

for this application on the property described as (legal description) 3383 WILSON ROAD
NORTH PORT, FLORIDA 34286

Randy L Allison Johanna Allison Date 10/18/23

STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 18th day of October, 2023, by Randy Allison & Johanna Allison who is personally known to me or has produced drivers license as identification.

(Place Notary Seal Below)

[Signature]
Signature - Notary Public

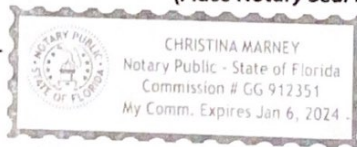




Exhibit B
City of North Port
PLANNING DIVISION
 Neighborhood Development Services
 4970 City Hall Boulevard
 North Port, FL 34286
 Office: 941.429.7229
 Fax: 941.429.7154



VACATION OF EASEMENT

DATE: 10/30/2023

PETITION NO: VAC-23-237

TO:

North Port Public Works
 Amerigas
 Florida Power and Light
 Planning & Zoning

North Port Utilities
 Comcast Cable/Truenet Communications Mike Little,
 Frontier Communications
 Fire/Rescue

Please see the attached information concerning the request for vacation of easement for the property described as:

Lots 32, Block 814, of the 19th addition to the Port Charlotte Subdivision, according to Plat thereof recorded in Plat Book 14, Page 7, 7A through 7F, of the Public Records of Sarasota County, Florida, also known as street address: 3383 Tucson Road, North Port, FL.

The vacation of the easement (Please check the appropriate response)

Is Granted Is not Granted Is Granted with Conditions

If vacation of easement **is not** granted or conditions apply, please state below:

Please respond by 11/10/23 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

Stephen A. Waidley Digitally signed by Stephen A. Waidley
 Date: 2023.10.31 07:28:20 -04'00'

Signature

(941) 266-9218

Phone No.

10/31/2023

Date

Frontier Florida LLC

Name of Utility

Please email responses to tsacharski@rviplanning.com

NOTICE: The information contained in this document may be confidential and/or legally privileged information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any copying, dissemination or distribution of confidential or privileged information is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.

If you received this in error or do not receive all the pages, please contact the Planning Division at 941.429.7156



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Please respond by 11/10/23 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

Peter J. Marietti III Digitally signed by Peter J. Marietti III Date: 2023.10.30 16:08:43 -04'00'

Signature
941.240.8180
Phone No.

October 30, 2023

Date
North Port Fire Rescue
Name of Utility

Please email responses to tsacharski@rviplanning.com

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PETITION NO: VAC-23-237

TO:

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Amerigas
Florida Power and Light
Planning & Zoning

North Port Utilities
Comcast Cable/Truenet Communications Mike Little,
Frontier Communications
Fire/Rescue

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[X] Is Granted [] Is not Granted [] Is Granted with Conditions

If vacation of easement is not granted or conditions apply, please state below:

Please respond by 11/10/23 which is (10) ten days from receipt. If after (10) ten days a response is not received, it will be assumed there is no issue with the vacation of easement.

Signature: Anthony C. Payne

Date: 10/31/2023

Phone No.

Name of Utility: NPPW

Please email responses to tsacharski@rviplanning.com

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TO:

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Florida Power and Light
Planning & Zoning

North Port Utilities
Comcast Cable/Truenet Communications Mike Little,
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Signature

270 8021

Phone No.

Date

11-07-23

Name of Utility

NP UTILITIES

Please email responses to tsacharski@rviplanning.com

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**Sun Newspapers
 Legal Advertising
 23170 Harborview Rd
 Port Charlotte, FL 33980**

11/30/23

Phone:(941) 206-1025 Email:legals@yoursun.com

NOTICE IS HEREBY GIVEN PURSUANT TO THE PROVISION OF SECTION 177.101 (4) THAT RANDY LYNN ALLISON AND JOHANNA GERALYN ALLISON THE PROPERTY OWNERS INTENT TO PETITION THE CITY OF NORTH PORT TO VACATE 2.08 SQ FT OF THE REAR 20 FT MAINTENANCE EASEMENT FOR LOT 32, BLOCK 814 19TH ADDITION TO PORT CHARLOTTE SUBDIVISION AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 14 PAGE 7. 7A THROUGH 7P, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA

Public Meeting:
 Planning and Zoning Advisory Board - 12/21/2023 @ 9AM
 located at City Hall 4970 City Hall Blvd.
 North Port, Florida
 City Commision - 01/09/2024 @ 10AM
 Publish: 12/06/23, 12/13/23
 435855 3912280

Acct#: 435855	Date: 11/30/23
LAUREL VIERNEISEL	Ad Date: 12/06/23
6154 PARK ST	Class: 3138
SHAWNEE, KS 66216	Ad ID: 3912280
Telephone: (816) 695-3935	Ad Taker: MPRESCOTT
	Sales Person: 200
	Words: 109
	Lines: 28
	Agate Lines: 31
	Depth: 3.306
	Inserts: 2
	Description: Public Meeting

Other Charges:	\$0.00	Gross:	\$80.08
Discount:	\$0.00	Paid Amount:	- \$80.08
Surcharge:	\$0.00	Amount Due:	\$0.00
Credits:	\$0.00		
Bill Depth:	3.306		

Publication	Start	Stop	Inserts	Cost
Charlotte Sun (CS)	12/06/23	12/13/23	2	\$80.08

Ad Note:

Customer Note:

*We Appreciate Your Business!
 Thank You LAUREL VIERNEISEL!*

Sarasota County Tax Collector

generated on 6/28/2023 1:42:51 PM EDT

Tax Record

Last Update: 6/28/2023 1:42:51 PM EDT

Register for eBill

Ad Valorem Taxes and Non-Ad Valorem Assessments

The information contained herein does not constitute a title search and should not be relied on as such.

Account Number	Type Tax	Tax Year			
0963081432	REAL ESTATE	2022			
Mailing Address ALLISON RANDY LYNN ALLISON JOHNNNA GERALYN 3383 TUCSON RD NORTH PORT FL 34286		Property Address 3383 TUCSON RD 005			
		Old Account Number 0963-08-1432			
Base Exempt Amount	Taxable Value				
see below	see below				
Exemption Detail	Millage Code	Escrow Code			
HX 25000	0500				
H2 25000					
WX 500					
Legal Description 3383 TUCSON RD LOT 32 BLK 814 19TH ADD TO PORT CHARLOTTE					
Ad Valorem Taxes					
Taxing Authority	Rate	Assessed Value	Exemption Amount	Taxable Value	Taxes Levied
Sarasota Co. General Revenue	3.2497	283,044	50,500	\$232,544	\$755.70
Mosquito Control	0.0500	283,044	50,500	\$232,544	\$11.63
Sarasota Co. Hospital Dist.	1.0420	283,044	50,500	\$232,544	\$242.31
West Coast Inland Navigation	0.0394	283,044	50,500	\$232,544	\$9.16
SW FL Water Management Dist.	0.2260	283,044	50,500	\$232,544	\$52.55
Bonds-Debt Service	0.0915	283,044	50,500	\$232,544	\$21.28
Sarasota Co. Legacy Trl	0.0551	283,044	50,500	\$232,544	\$12.81
Sarasota School Board					
School Board - State	3.0240	283,044	25,500	\$257,544	\$778.81
School Board - Local	3.2480	283,044	25,500	\$257,544	\$836.50
City of North Port	3.7667	283,044	50,500	\$232,544	\$875.92
Total Millage		14.7924	Total Taxes		\$3,596.67
Non-Ad Valorem Assessments					
Code	Levying Authority	Amount			
F093	North Port Fire & Rescue	\$418.18			
G071	North Port Solid Waste	\$250.00			
R097	North Port Road & Drainage	\$173.28			
R197	North Port R&D Capital Improve	\$46.00			
Total Assessments					\$887.46
Taxes & Assessments					\$4,484.13
If Paid By					Amount Due
					\$0.00

Date Paid	Transaction	Receipt	Item	Amount Paid
11/4/2022	PAYMENT	5508274.0001	2022	\$4,304.76

Prior Year Taxes Due
NO DELINQUENT TAXES