



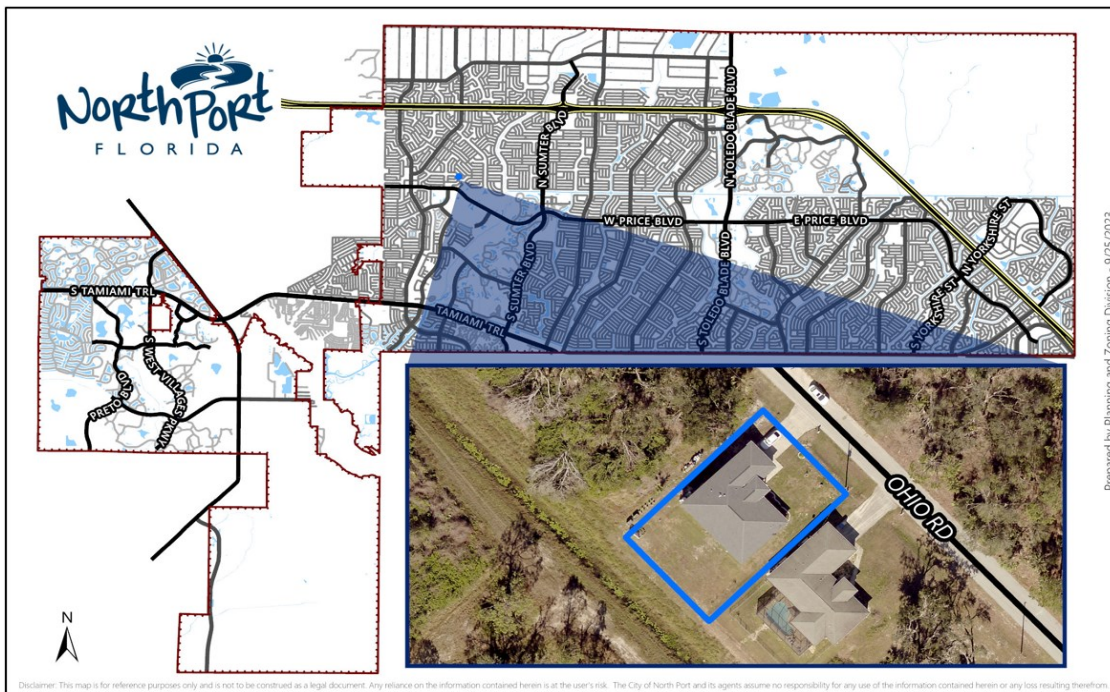
6383 Ohio

Vacation of a Portion of the Platted Rear Easement
(Petition VAC-23-148)

Resolution No. 23-R-81

STAFF REPORT

- From:** David Brown, Planner I
- 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, ICAM-CM, MPA, City Manager
- Date:** November 2, 2023



Prepared by Planning and Zoning Division - 9/25/2023

PROJECT:	6383 Ohio Road partial vacation of the platted rear easement, VAC-23-148
REQUEST:	Vacate a portion of the rear utility easement in order to allow the construction of a pool and screen cage
APPLICANTS:	Confidential 119.071FS (Exhibit A—Affidavit)
OWNERS:	Confidential 119.071FS (Exhibit A, Warranty Deed)
LOCATION:	PID: 0970-06-4543
PROPERTY SIZE:	± .23Acres (10,000 square feet)
ZONING:	Residential Single Family (RSF-2)

I. BACKGROUND

On June 30, 2023, the Planning & Zoning Division received an application petitioning the City of North Port to request a partial vacation of the platted rear 20-foot (Drainage Maintenance) easement located on Lot 43, Block 645 Port Charlotte 14th Addition Subdivision. The applicant is requesting to vacate a 10 foot wide portion of the rear easement, approximately 680 square feet, to allow for construction of a new pool and screen enclosure. The subject property is zoned Residential Single Family (RSF-2) with a Future Land Use designation of Low Density Residential.

II. PROJECT SUMMARY

The property owner is requesting to vacate a 680 square foot portion of the platted rear 20-foot drainage maintenance easement on Lot 43 Block 645 in order to construct a pool and screen enclosure.

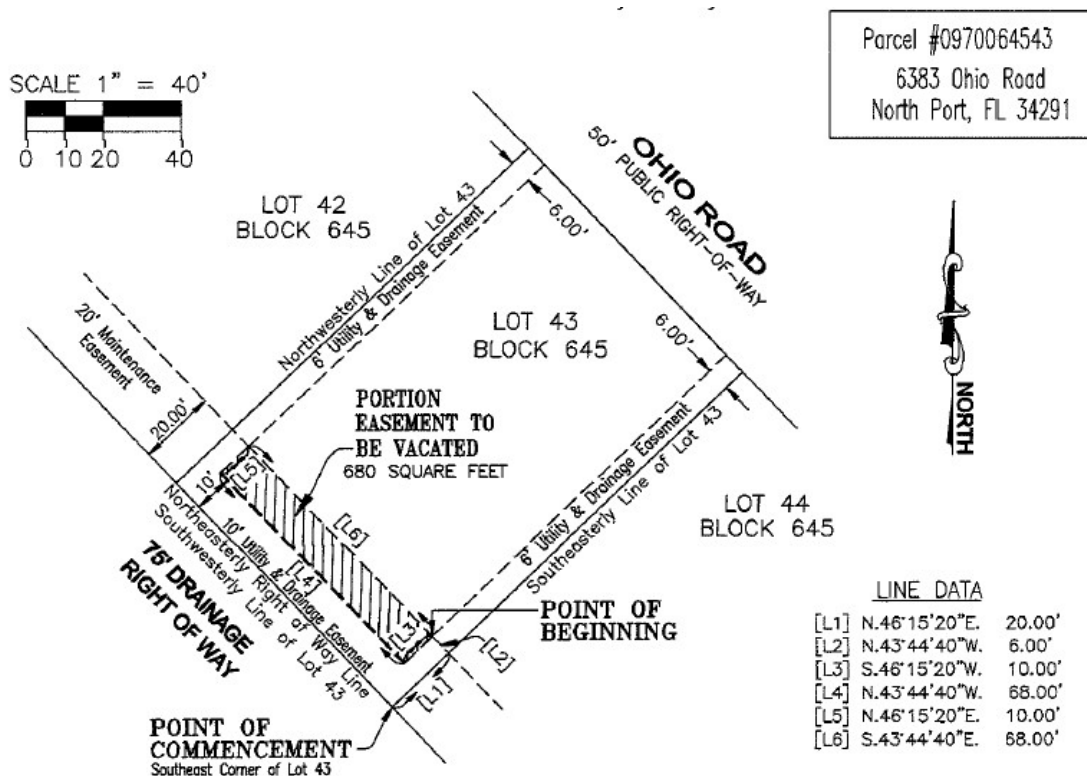


Figure 1—Sketch and description of easements to be vacated

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 a portion of the rear 20-foot drainage maintenance easement 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 2023-R-81as 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 provided to the City as a part of the application established that the applicant owns the fee simple title of the subject property. 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 partial vacation of the platted rear drainage maintenance easement does not affect the ownership or right of convenient access of persons owning any other parts of the subdivision. The property owners filed a notice of intent to petition the City of North Port to vacate a portion of the rear drainage maintenance easement by publishing a legal notice in the North Port Sun newspaper for two consecutive weeks. (**Exhibit C—Notice of Intent**). Additionally, the applicants provided to the City of North Port Planning and Zoning Division, an application to request a partial vacation of platted rear drainage 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 XXVIII. 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-23-148 relative to ULDC Chapter 53 Zoning Regulations. Pursuant to the provisions in Florida Statutes Chapter 177.101, the property owners did file a notice of intent to apply to the City of North Port Planning & Zoning Division for two weekly issues. Additionally, the applicants provided to the City of

North Port Planning and Zoning Division, an application to request a partial vacation of the platted rear drainage maintenance easement, a Publisher's Affidavit, certification that taxes have been paid, and all requisite documents.

Staff concludes that the proposed Petition VAC-23-148 is consistent with Chapter 53 of the ULDC.

IV. RECOMMENDED MOTIONS

PLANNING AND ZONING ADVISORY BOARD—

MOTION TO APPROVE: I move to recommend approval to the City Commission of Resolution No. 2023-R-81, as presented.

I move to find Petition No. VAC-23-148, 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. 2023-R-81.

CITY COMMISSION—

MOTION TO APPROVE: I move to approve Resolution No. 2023-R-81, as presented.

I move to find Petition No. VAC-23-148, Resolution 2023-R-81, the vacation of 680 square feet of the platted rear 20 foot maintenance easement of Lot 43, Block 645, Fourteenth Addition to 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 2023-R-81.

V. ALTERNATIVE MOTIONS

PLANNING AND ZONING ADVISORY BOARD—

1. **RECOMMEND PARTIAL APPROVAL** of Petition No. VAC-23-148.

MOTION TO APPROVE: I move to recommend approval to the City Commission of Resolution No. 2023-R-81, as proposed by the Board.

2. **RECOMMEND DENIAL** of Petition No. VAC-23-148.

MOTION TO DENY: I move to deny Resolution No. 2023-R-81.

CITY COMMISSION—

1. **PARTIAL APPROVAL** of Petition No. VAC-23-148.

I move to find Petition No. VAC-23-148, Resolution 2023-R-81, the vacation of 680 square feet of the platted rear 20 foot maintenance of Lot 43, Block 645, Fourteenth Addition to 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 2023-R-81, vacating 680 square feet of the maintenance easement.

2. **DENIAL** of Petition No. VAC-23-148.

I move to find Petition No. VAC-23-148, Resolution 2023-R-81, the vacation of 680 square feet of the platted rear 20 foot maintenance easement of Lot 43, Block 645, Fourteenth Addition to 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 2023-R-81.

VI. PUBLIC HEARING SCHEDULE

Planning & Zoning Advisory Board Public Hearing	November 2, 2023 9:00 AM or as soon thereafter
City Commission Public Hearing	November 14, 2023 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

Prepared by:
Victoria L. Butler
Platinum Title, LLC
428 South Tamiami Trail
Osprey, Florida 34229-9206

File Number: 2020-1902

General Warranty Deed

Made this August 21, 2020 A.D. By **Dolores E. Schram, Individually a single person and Dolores Evelyn Schram, Trustee of the Schram Florida Land Trust Agreement made September 19, 2012**, whose address is: 238 Burford Delhi Townline Road Scotland Ontario Canada N0E1R0, , hereinafter called the grantor, to [REDACTED], whose post office address is: 2529 Pan American Blvd, North Port, Florida 34287, hereinafter called the grantee:

(Whenever used herein the term "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)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) 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, Florida, viz:

Lot 43, Block 645, 14th Addition to Port Charlotte Subdivision, a subdivision according to the plat thereof as recorded in Plat Book 13, page 13, of the Public Records of Sarasota County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: 0970064543

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; that the grantor hereby fully 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 December 31, 2019.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

S. Vanderlinder
Witness Printed Name S. Vanderlinder

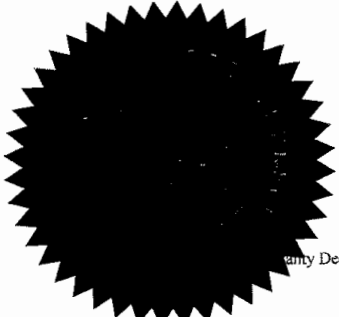
Dolores E. Schram (Seal)
Dolores E. Schram, Individually
Address: 238 Burford Delhi Townline Road Scotland Ontario Canada N0E1R0,

Stephanie Johnson
Witness Printed Name Stephanie Johnson

Dolores E. Schram (Seal)
Dolores Evelyn Schram, Trustee of the Schram Florida Land Trust Agreement made September 19, 2012
Address: 238 Burford Delhi Townline Rd. Scotland, Ont Canada N0E 1R0

Country of Canada Province Ontario
County of Middlesex

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 20 day of August, 2020, by Dolores E. Schram, Individually a single person and as Trustee, who is/are personally known to me or who has produced Drivers licence as identification.



Notary Public
Print Name: Gordon R. Johnson
My Commission Expires: N/A

GORDON R. JOHNSON
Barrister & Solicitor
Notary Public
450 - 495 RICHMOND STREET
LONDON, ONTARIO
N6A 5A9

AFFIDAVIT

I (the undersigned), _____ 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 2 day of May, 2023

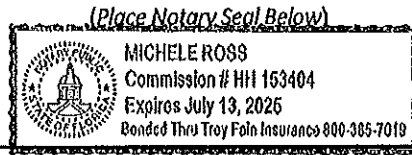
Signature of Applicant or Authorized Agent

Print Name and Title

STATE OF Florida COUNTY OF Sarasota

The foregoing Instrument was acknowledged by me this and day of May, 2023, by _____ who is personally known to me or has produced _____ as identification.

Michele Ross
Signature - Notary Public



**AFFIDAVIT
AUTHORIZATION FOR AGENT/APPLICANT**

I, _____, property owner, hereby authorize _____ to act as Agent on our behalf to apply for this application on the property described as (legal description) _____

Owner Date

STATE OF _____ COUNTY OF _____

The foregoing Instrument was acknowledged by me this _____ day of _____, 20____, by _____ who is personally known to me or has produced _____ as identification.

Signature - Notary Public

(Place Notary Seal Below)

AFFIDAVIT

I (the undersigned), _____ 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 2 day of May, 2023

Signature of Applicant or Authorized Agent

Print Name and Title

STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 2nd day of May, 2023, by _____ who is personally known to me or has produced _____ as identification.

Michele Ross
Signature - Notary Public



AFFIDAVIT AUTHORIZATION FOR AGENT/APPLICANT

I, _____, property owner, hereby authorize _____ to act as Agent on our behalf to apply for this application on the property described as (legal description) _____

Owner Date

STATE OF _____, COUNTY OF _____

The foregoing instrument was acknowledged by me this _____ day of _____, 20____, by _____ who is personally known to me or has produced _____ as identification.

(Place Notary Seal Below)

Signature - Notary Public



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: 9/26/2023

PETITION NO: VAC-23-148

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 43, Block 645, of the 14th to the Port Charlotte Subdivision, according to Plat thereof recorded in Plat Book 13, Page 13, of the Public Records of Sarasota County, Florida, also known as street address: 6383 Ohio Road.

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 October 4, 2023 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: 2023.09.26 10:11:20 -04'00'

Signature

941.240.8180

Phone No.

9-26-2023

Date

North Port Fire Rescue District

Name of Utility

Please email responses to dbrown@northportfl.gov

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

[checked] 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 October 4, 2023 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: 2023.09.26 08:31:02 -04'00'

Signature

(941) 266-9218

Phone No.

9/26/2023

Date

Frontier Florida LLC

Name of Utility

Please email responses to dbrown@northportfl.gov

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Florida Power and Light
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[checked] Is Granted [] Is not Granted [] Is Granted with Conditions

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Please respond by October 4, 2023 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.

Anthony C. Payne
Signature

9/29/2023
Date

Phone No.

NPPW
Name of Utility

Please email responses to dbrown@northportfl.gov
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DATE: 9/26/2023

PETITION NO: VAC-23-148

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

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

Is Granted (checked) Is not Granted Is Granted with Conditions

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

Please respond by October 4, 2023 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: [Handwritten Signature]
Phone No. 240 8021

Date: 09-26-23
Name of Utility: NP UTILITIES

Please email responses to dbrown@northportfl.gov

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



PUBLISHER'S AFFIDAVIT OF PUBLICATION STATE OF FLORIDA COUNTY OF CHARLOTTE:

Before the undersigned authority personally appeared Melinda Prescott, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

04/20/23, 04/27/23

as well as being posted online at www.yoursun.com and www.floridapublicnotices.com.

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

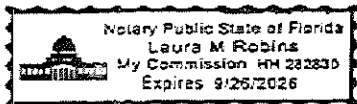
Melinda Prescott

(Signature of Affiant)

Sworn and subscribed before me this 27th day of April, 2023

Laura M Robins

(Signature of Notary Public)



Personally known OR Produced Identification

Notice is hereby given pursuant to the provisions of Chapter 177, Florida Statutes, that

the property owners, intends to petition the City of North Port to vacate a portion of the 20-foot platted rear drainage maintenance easement located on Lot 43, Block 645, 14th Addition to Port Charlotte Subdivision, a subdivision according to the plat thereof, as recorded in Plat Book 13, Page 13, of the Public Records of Sarasota County, Florida. All of the above lying and being in the City of North Port, Sarasota, County, Florida. Publish: 04/20/23, 04/27/23 434799 3889075

Last Update: 3/3/2023 2:30:05 PM EST

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 0970064543		Type Tax REAL ESTATE		Tax Year 2022	
Mailing Address Confidential per Statute		Property Address Confidential per Statute			
		Old Account Number 0970-06-4543			
Base Exempt Amount see below		Taxable Value see below			
Exemption Detail		Millage Code		Escrow Code	
HX	25000	0500		940000	
H2	25000				
Legal Description Confidential Per FL Statute					
Ad Valorem Taxes					
Taxing Authority	Rate	Assessed Value	Exemption Amount	Taxable Value	Taxes Levied
Sarasota Co. General Revenue	3.2497	228,938	50,000	\$178,938	\$581.49
Mosquito Control	0.0500	228,938	50,000	\$178,938	\$8.95
Sarasota Co. Hospital Dist.	1.0420	228,938	50,000	\$178,938	\$186.45
West Coast Inland Navigation	0.0394	228,938	50,000	\$178,938	\$7.05
SW FL Water Management Dist.	0.2260	228,938	50,000	\$178,938	\$40.44
Bonds-Debt Service	0.0915	228,938	50,000	\$178,938	\$16.37
Sarasota Co. Legacy Trl	0.0551	228,938	50,000	\$178,938	\$9.86
Sarasota School Board					
School Board - State	3.0240	228,938	25,000	\$203,938	\$616.71
School Board - Local	3.2480	228,938	25,000	\$203,938	\$662.39
City of North Port	3.7667	228,938	50,000	\$178,938	\$674.01
Total Millage		14.7924	Total Taxes		\$2,803.72
Non-Ad Valorem Assessments					
Code	Levying Authority	Amount			
F093	North Port Fire & Rescue	\$397.42			
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					\$866.70
Taxes & Assessments					\$3,670.42
If Paid By					Amount Due
					\$0.00
Date Paid	Transaction	Receipt	Item	Amount Paid	
11/29/2022	PAYMENT	8037636.0001	2022	\$3,523.60	
Prior Year Taxes Due					