



City of North Port

RESOLUTION NO. 2023-R-31

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF THE TWENTY (20) FOOT DRAINAGE MAINTENANCE EASEMENT FOR LOT 8, BLOCK 160, FIFTH 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 ("City"); and

WHEREAS, this petition requests the vacation of all or a portion of the easement; and

WHEREAS, the Planning and Zoning Advisory Board considered the petition at a public hearing on April 6, 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-23-020 as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
 - (a) Thaddeus J. Szumilas and Wieslawa Stachura own fee simple title to Lot 8, Block 160, Fifth Addition to Port Charlotte Subdivision;
 - (b) Fifth Addition to Port Charlotte Subdivision recorded at Book 11, Page 33 of the official records of Sarasota County, Florida grants to the City of North Port, Florida twenty- feet (20') for the purpose of the drainage maintenance easement at the rear of Lot 8, Block 160 of the plat ("Easement");
 - (c) The petition requests that the City vacate a portion of the platted twenty-foot (20') drainage 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-23-020 to the extent provided in this resolution.

2.02 The City Commission vacates a ±160 square foot portion of its existing platted twenty-foot (20') wide drainage maintenance easement, as described below and depicted in the survey attached as Exhibit A:

All that portion of the 20-foot wide Maintenance Easement lying adjacent to the Southwesterly Right of Way Line of a 50' Drainage Right of Way lying and being over and across the Northeasterly 20' of Lot 8 Block 160, 5th Addition to Port Charlotte Subdivision, according to the plat thereof, as recorded In Plat Book 11, Pages 33, 33-A through 33-R, inclusive of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Commencing at the Northeast corner of said Lot 8; thence S.41°22'52"W. along the Southeasterly line of said Lot 8, a distance of 20.00'; thence, N.48°37'08"W. along a line lying 20.00' Southwesterly of and parallel with said Southwesterly Drainage Right of Way Line, a distance of 22.00' to the Point of Beginning thence continue, N.48°37'08"W. along said line lying 20.00' Southwesterly of and parallel with the Southwesterly Drainage Right of Way Line, a distance of 16.00'; thence, N.41°22'52"E. a distance of 10.00'; thence, S.48°37'08"E., along a line lying 10.00' Southwesterly of and parallel with said Southwesterly Drainage Right of Way Line, a distance of 16.00'; thence S.41°22'52"W., a distance of 10.00' to the Point of Beginning, and containing 160 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 _____, 2023.

CITY OF NORTH PORT, FLORIDA

BARBARA A. LANGDON
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

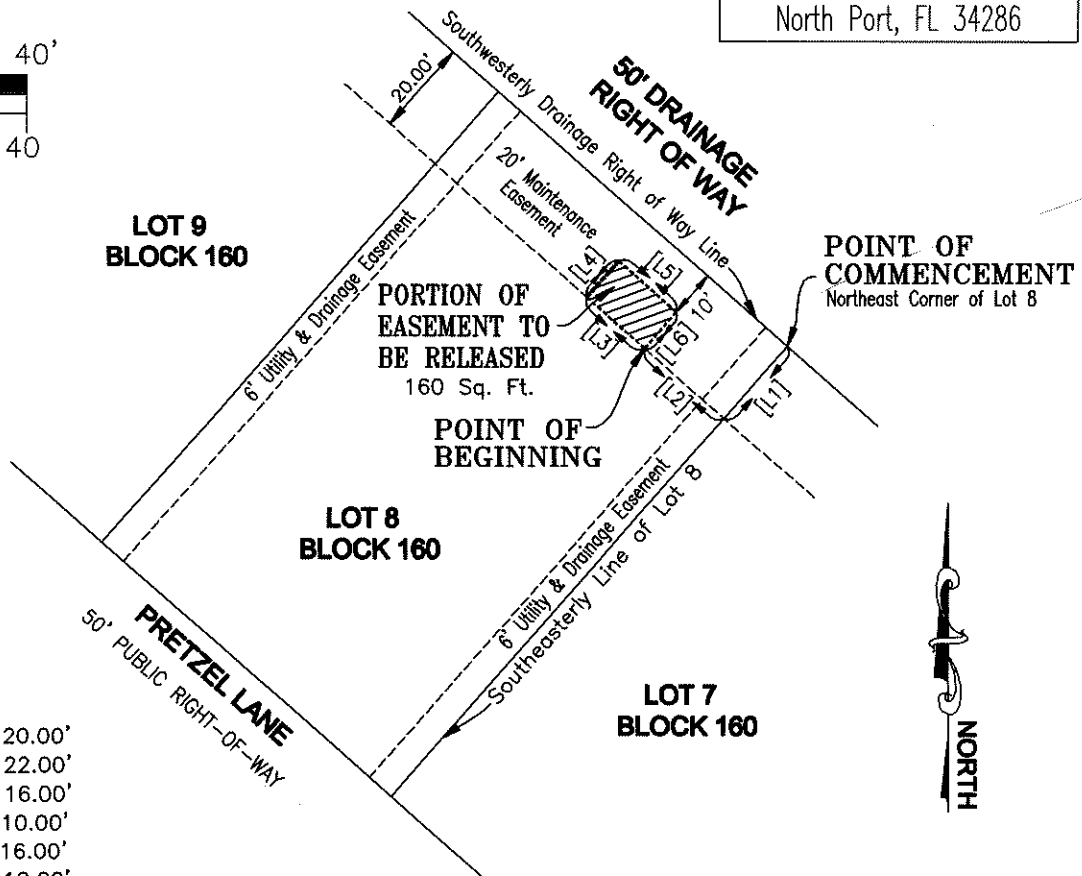
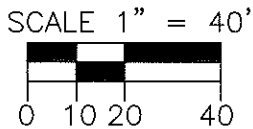
AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY

VAC-23-020

Sketch & Description for Partial Release of Easement

This is Not a Boundary Survey

Parcel #1003-01-6008
2432 Pretzel Lane
North Port, FL 34286



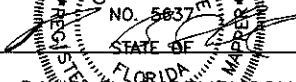
LINE DATA

- [L1] S.41°22'52"W. 20.00'
- [L2] N.48°37'08"W. 22.00'
- [L3] N.48°37'08"W. 16.00'
- [L4] N.41°22'52"E. 10.00'
- [L5] S.48°37'08"E. 16.00'
- [L6] S.41°22'52"W. 10.00'

Description

All that portion of the 20 foot wide Maintenance Easement lying adjacent to the Southwesterly Right of Way Line of a 50' Drainage Right of Way lying and being over and across the Northeasterly 20' of Lot 8 Block 160, 5th Addition to Port Charlotte Subdivision, according to the plat thereof, as recorded in Plat Book 11, Pages 33, 33-A through 33-R, inclusive of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

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BY: 
DAVID B. SHREMSHOCK
 Registered Surveyor and Mapper
 #5637 State of Florida

David Shremshock

Digitally signed by
David Shremshock
Date: 2023.02.06
10:48:09 -05'00'

DATE: 2/6/23

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

SHREMSHOCK SURVEYING, INC. LB #7747

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