



City of North Port

RESOLUTION NO. 2025-R-69

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING THE UTILITY AND DRAINAGE EASEMENT LYING ADJACENT TO THE WESTERLY LINE OF LOT 20, BLOCK 1159, 25TH 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, 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 PVAC-25-00986, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
 - (a) Robert Wenger and Lolita Wenger own fee simple title to Lot 20, Block 1159, Twenty-Fifth Addition to Port Charlotte Subdivision;
 - (b) The plat of the Twenty-Fifth Addition to Port Charlotte Subdivision as recorded in Plat Book 15, pages 2, 2A through 2Q, inclusive, of the official records of Sarasota County, Florida grants to the City of North Port, Florida, ten feet (10') for the purpose of utility and drainage easements to grant a vacation for the platted 10-foot utility and drainage easement lying adjacent to the westerly line of Lot 20, Block 1159 of the plat ("Easements");
 - (c) The petition requests that the City vacate the platted ten-foot (10') utility and drainage easements;
 - (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; 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 PVAC-25-00986 to the extent provided in this resolution.

2.02 The City Commission vacates a \pm 934.65 square foot portion of its existing platted ten-foot (10') wide utility and drainage easements, as described below and depicted in the survey attached as Exhibit A:

LEGAL DESCRIPTION: (PROPOSED RELEASE OF EASEMENT)

DESCRIPTION OF EASEMENT TO BE VACATED:

ALL THAT PORTION OF THE 10 FOOT WIDE DRAINAGE AND UTILITY EASEMENTS LYING ADJACENT TO THE WESTERLY LINE OF LOT 20 AND ADJACENT TO THE EASTERLY LINE OF LOT 1 AND LOT 2, BLOCK 1159, TWENTY-FIFTH ADDITION TO PORT CHARLOTTE SUBDIVISION, PER PLAT THEREOF RECORDED IN PLAT BOOK 15, PAGES 2 AND 2A THROUGH 2Q, PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LYING IN THE NORTHERLY RIGHT OF WAY LINE OF EL PASO AVENUE (A 50' PUBLIC RIGHT OF WAY), SAID POINT ALSO BEING THE SOUTH WEST CORNER OF SAID LOT 20 AND THE SOUTH EAST CORNER OF SAID LOT 1; THENCE N.06°43'00"E. ALONG THE ENTIRE EASTERLY LINE OF SAID LOT 1 AND A PORTION OF THE EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 93.81', THENCE S.83°17'00"E. A DISTANCE OF 10'; THENCE S.06°43'00"W. A DISTANCE OF 93.11' TO A POINT SAID POINT LYING IN THE NORTHERLY RIGHT OF WAY LINE OF SAID EL PASO AVENUE; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, 10.02' WITH A RADIUS OF 375' BEING SUBTENDED BY THE CHORD OF N.87°21'48"W. 10.02' TO THE POINT OF BEGINNING, CONTAINING 934.65 SQUARE FEET OR .0215 ACRES 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 September 23, 2025.

CITY OF NORTH PORT, FLORIDA

PHIL STOKES
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

MICHAEL GOLEN, CPM
INTERIM CITY ATTORNEY

