



City of North Port

RESOLUTION NO. 2024-R-31

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING THE REAR UTILITY AND DRAINAGE EASEMENTS FOR LOT 11, BLOCK 1391, 28TH 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 July 11, 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-24-042, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
 - (a) Derek Schiller and Alida Schiller own fee simple title to Lot 11, Block 1391, of the Twenty-Eighth Addition to Port Charlotte Subdivision;
 - (b) The plat of the Twenty-Eighth Addition to Port Charlotte Subdivision as recorded in Plat Book 15, pages 12, 12A through 12K, inclusive, of the official records of Sarasota County, Florida grants to the City of North Port, Florida, 10 feet (10') for the purpose of utility and drainage easements at the rear of Lot 11, Block 1391 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 VAC-24-042 to the extent provided in this resolution.

2.02 The City Commission vacates a ±900.00 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:

“All of that 10 foot wide Utility & Drainage Easement lying over and across the Northwesterly 10’ of Lot 11, Block 1391, 28th Addition to Port Charlotte Subdivision, according to the plat thereof, as recorded in Plat Book 15, Pages 12, 12-A through 12-K, inclusive of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Beginning at the Northeast corner of said Lot 11; thence S.42°49'55"E., along the Southwesterly Right of Way line of Wagon Wheel Drive (a 50' wide public right of way), a distance of 10.00'; thence S.47°10'05"W. along a line lying 10.00' Southeasterly of and parallel with the Northwesterly line of said Lot 11, a distance of 90.00'; thence N.42°49'55"W. along the Southwesterly Line of said Lot 11. a distance of 10.00' to the Northwest corner of said Lot 11; thence, N.47°10'05"E., along said Northwesterly line of Lot 11, a distance of 90.00' to the Point Beginning, and containing 900 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 September 10, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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

**EXHIBIT A TO RESOLUTION NO. 2024-R-31
 VACATING THE REAR UTILITY AND DRAINAGE EASEMENT FOR LOT 11, BLOCK 1391, TWENTY EIGHTH ADDITION TO PORT
 CHARLOTTE SUBDIVISION**

