



18035 Home Run Drive

(Petition No. VAC-24-104)

Resolution No. 2024-R-63

STAFF REPORT

From: David Brown, Planner I

Thru: Gabriel Quintas, AICP, CFM, Development Services Assistant Director

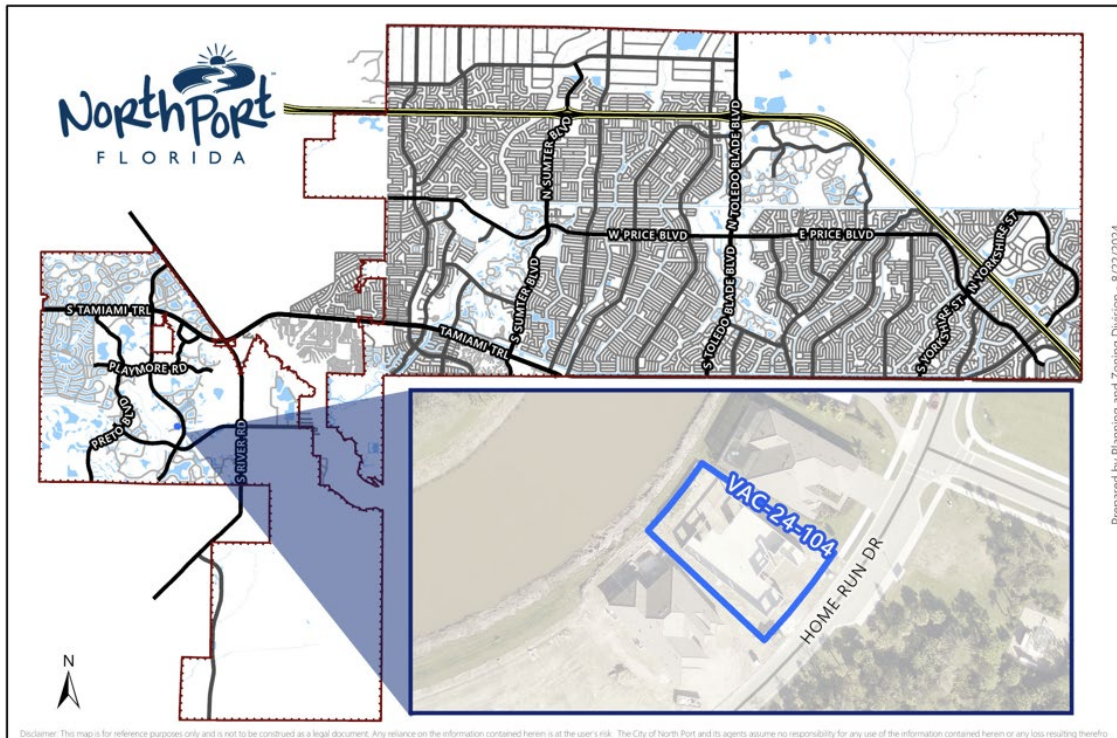
Thru: Lori Barnes, AICP, CPM, Development Services Assistant Director

Thru: Alaina Ray, AICP, Development Services Director

Thru: Jason Yarborough, ICMA-CM, Deputy City Manager

Thru: A. Jerome Fletcher II, ICMA-CM, MPA, City Manager

Date: October 3, 2024



Prepared by Planning and Zoning Division - 8/22/2024

PROJECT: 18035 Home Run Drive, partial vacation of the platted street tree and landscaping easement, VAC-24-104

REQUEST: The applicant is requesting a partial vacation of the platted street tree and landscaping easement, VAC-24-104

APPLICANT: Sam Rodgers (**Exhibit A, Affidavit**)

OWNERS: Gran Place, LLC. (**Exhibit A, Warranty Deed**)

LOCATION: 0809-03-0029

PROPERTY SIZE: ± 0.24 acres

ZONING: Village (V)

I. BACKGROUND

On June 28, 2024, the Planning & Zoning Division received an application petitioning the City of North Port to request a partial vacation of the platted 15-foot street tree and landscape easement located on lot 29, Gran Place Subdivision. The applicant is requesting to vacate approximately 115 square feet, to eliminate an existing encroachment in order to facilitate the sale of the home. The property has a Village (V) zoning designation and a Future Land Use (FLU) of Village. It is situated within Village F, West Villages Improvement District (Wellen Park) in the MU-2 (Mixed Use) area, as depicted in Figure 1.

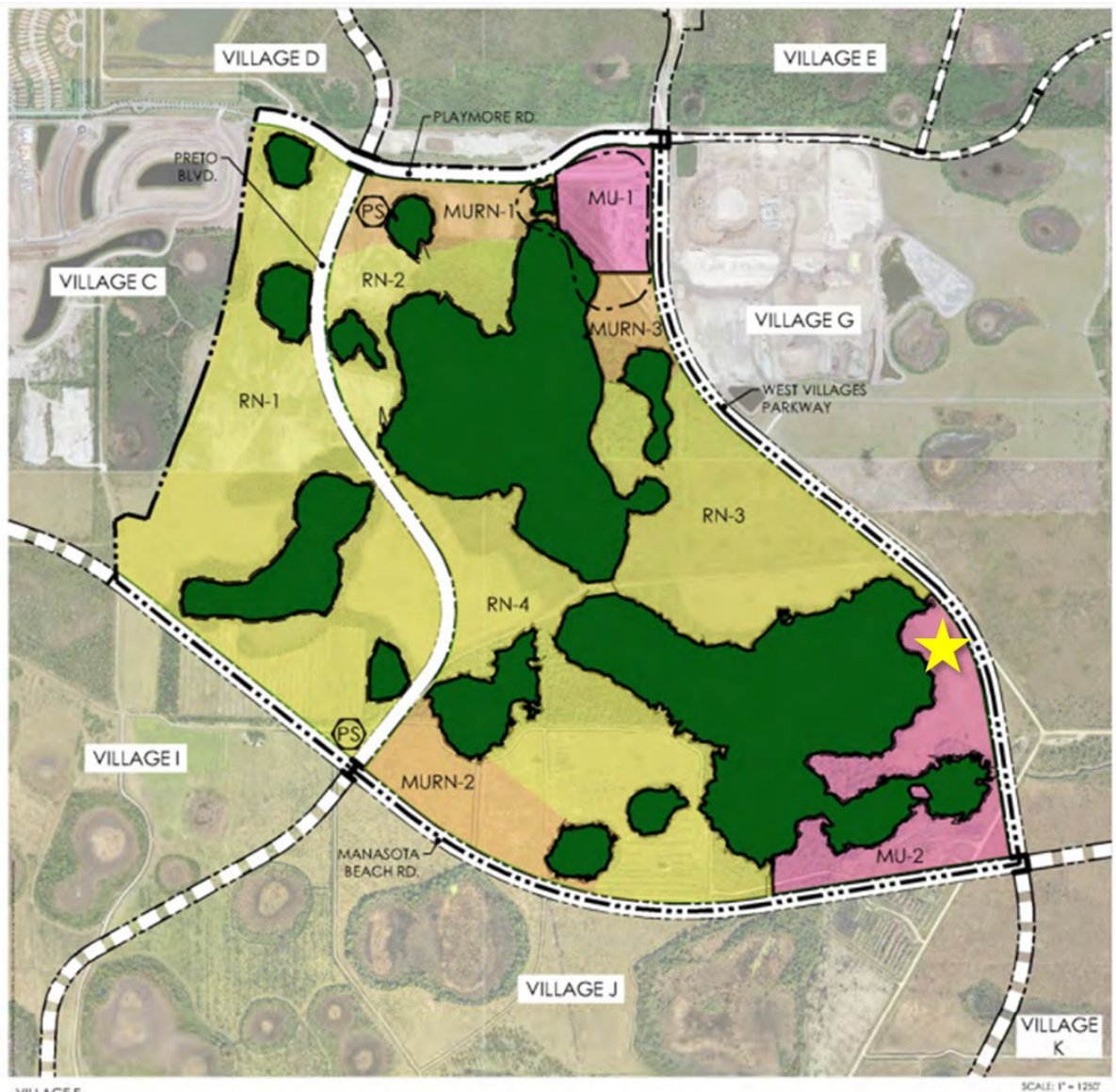


Figure 1

II. PROJECT SUMMARY

The property owner requests to vacate a 115-square-foot portion of the platted 15-foot street tree and landscaping easement on lot 29 to eliminate an encroachment of the new single-family home that is encroaching approximately 5 feet into the easement. (Figure 2) If the vacation of easement is not granted, the developer would then be required to remove the portion of the single-family residence that is encroaching into the easement. This would require the developer to tear down approximately 115 square feet of the mostly constructed house.

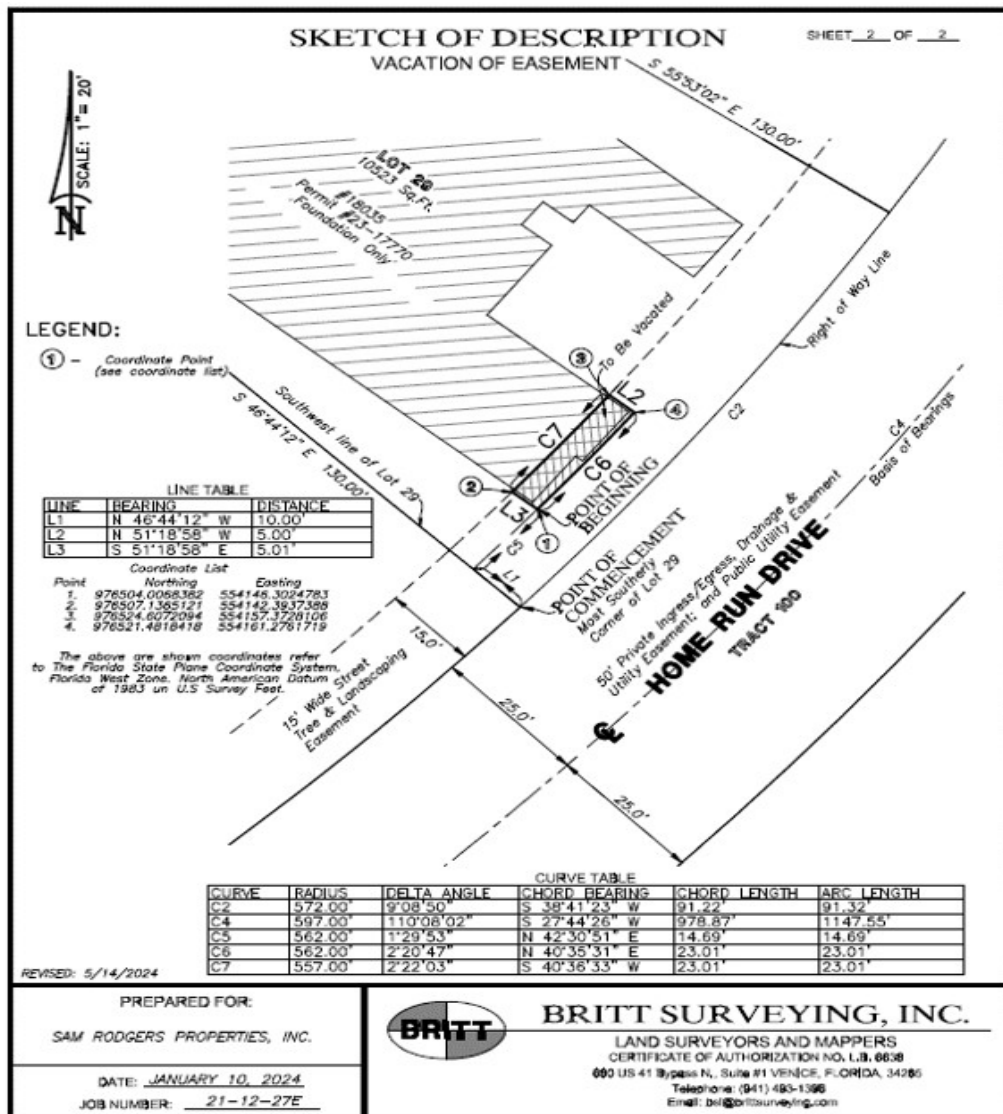


Figure 2 - Area of easement to be vacated

As per Section 13 of the Adopted Village District Pattern Book (WVPB), when proposed lots have less than one hundred (100) feet of frontage, street trees shall be limited to one (1) canopy tree per frontage. This provision has been met since the required canopy tree is located on the opposite of the encroachment. (Figure 3).

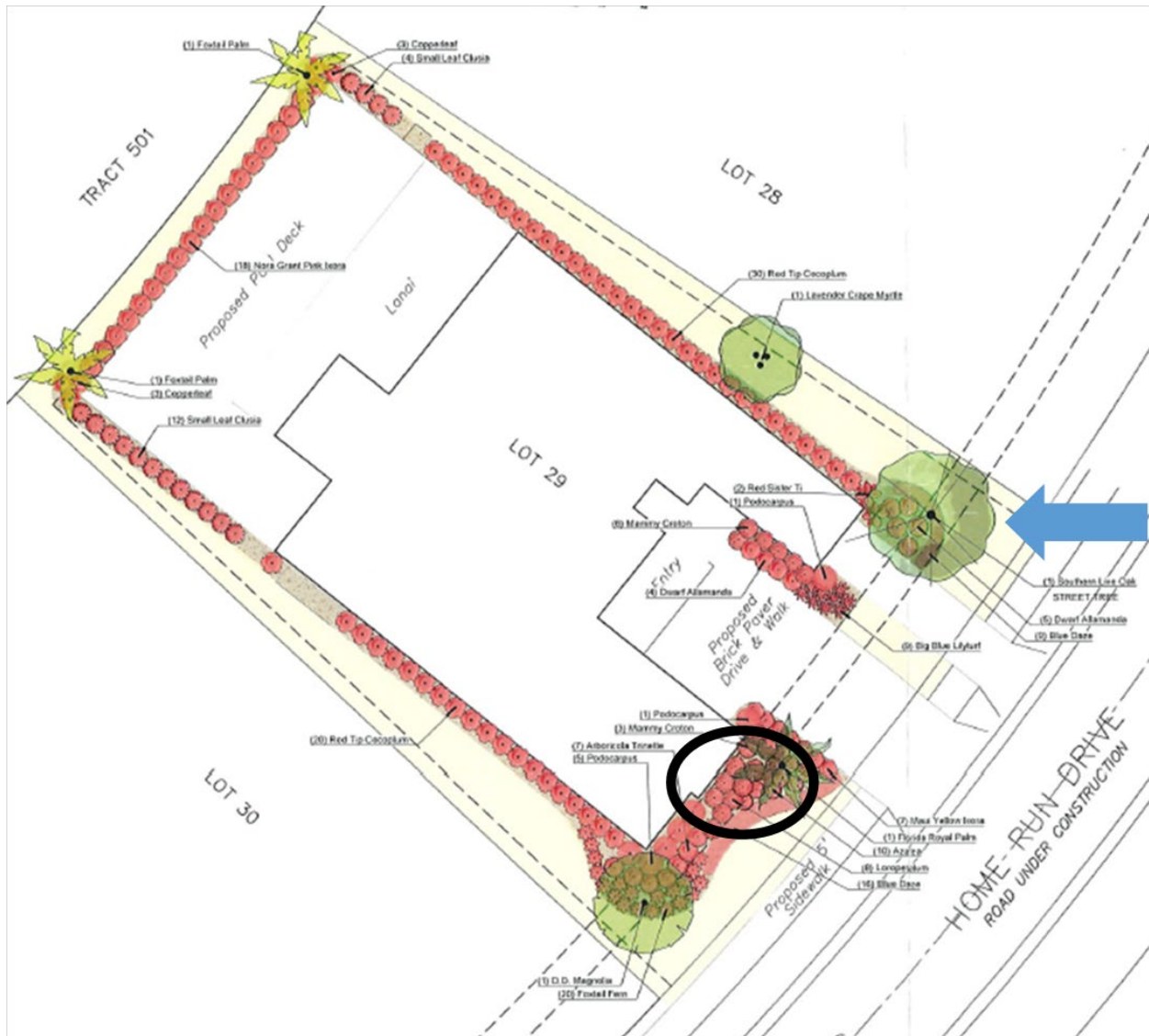


Figure 3 - Approved landscape plan showing required street tree

III. REVIEW PROCESS

Conclusion

Based on the responses received, the request to vacate a portion of the 15-foot street tree and landscaping 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 areas.
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.

The following agencies have reviewed the request to vacate a portion of the platted 15-foot street tree and landscaping easement and, through written response, have granted their approval or approval with conditions. (**Exhibit B- Notification to Utility agencies and responses**).

Utility Review Summary	
Agency	Response
Amerigas	None
Comcast/Truenet Communications	Approved
Florida Power and Light	None
Frontier	Approved
North Port Fire/Rescue	Approved
North Port Public Works	Approved
North Port Utilities	Approved
The Development Services Department's standard practice is to consider an easement vacation uncontested if the Utility Agency does not respond within 10 days of notification.	

The City Attorney has reviewed the accompanying Resolution 2024-R-63 as to form and correctness.

IV. DATA AND ANALYSIS

2024 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 street tree and landscape 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 street tree and landscape 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 street tree and landscape 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 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-24-104 relative to requirements stipulated in 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 street tree and landscape easement, a Publisher's Affidavit, certification that taxes have been paid, and all requisite documents.

The primary intent of the platted street tree and landscape easement is to ensure that sufficient area is reserved along the frontage of platted lots to accommodate the landscaping required by the Adopted Village District Pattern Book. The partial vacation of easement will not harm public welfare as the landscaping requirements are still being met and no portion of the utility easement is being affected. There were no objections from any utilities agency during their review period.

Staff concludes that the proposed Petition VAC-24-104 is consistent with Chapter 53 of the ULDC.

V. RECOMMENDED MOTION

PLANNING & ZONING ADVISORY BOARD

MOTION TO APPROVE: I move to recommend approval to the City Commission of Resolution No. 2024-R-63, as presented.

CITY COMMISSION

MOTION TO APPROVE: I move to approve Resolution No. 2024-R-63, as presented.

VI. ALTERNATIVE MOTION

PLANNING & ZONING ADVISORY BOARD

MOTION TO DENY: I move to recommend denial to the City Commission of Resolution No. 2024-R-63.

CITY COMMISSION

MOTION TO DENY: I move to deny Resolution No. 2024-R-63.

VII. PUBLIC HEARING SCHEDULE

Planning & Zoning Advisory Board Public Hearing	October 3, 2024 9:00 AM or as soon thereafter
City Commission Public Hearing	October 22, 2024 6:00 PM or as soon thereafter

VIII. EXHIBITS

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

5/29/2020 12:56 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 2519170

CONSIDERATION \$2,190,925.00

DOC TAX \$15,337.00

RECORD \$ 27.00

Prepared by and return to:

WILLIAMS PARKER

HARRISON DIETZ & GETZEN

200 South Orange Avenue

Sarasota, Florida 34236

(941) 366-4800

Attention: Patrick W. Ryskamp, Esq.

Doc Stamp-Deed: \$15,337.00**SPECIAL WARRANTY DEED**

THIS INDENTURE made May 28, 2020, by and between MANASOTA BEACH RANCHLANDS, LLLP, a Florida limited liability limited partnership, f/k/a Thomas Ranch Land Partners North Port, LLLP, a Florida limited liability limited partnership, hereinafter referred to as Grantor, whose post office address is 4901 Vineland Road, Suite 450, Orlando, Florida 32811, and GranPark, LLC, a Florida limited liability company, hereinafter referred to as Grantee, whose post office address is 7381 Professional Parkway East, Lakewood Ranch, Florida 34240.

WITNESSETH: Grantor, in consideration of the sum of ten dollars and other valuable considerations to it in hand paid by Grantee, receipt of which is hereby acknowledged, does hereby grant, bargain, sell, and convey to Grantee, its heirs and assigns forever, the following described property situate in Sarasota County, Florida (the "Property"):

SEE EXHIBIT "A" ATTACHED HERETO.

Subject to covenants, restrictions, reservations, and easements of record; applicable governmental regulations; and taxes for the current year and subsequent years.

together with all appurtenances, all rights and appurtenances thereto, including rights of ingress and egress, any and all air space rights and subsurface rights, mineral rights, timber rights, together with all pertinent rights and interest pertaining to adjacent streets and roadways, privileges, rights, interests, dower, reversions, remainders and easements thereunto appertaining. Grantor warrants against only the lawful claims of all persons claiming by, through or under Grantor. As used herein, the terms "Grantor" and "Grantee" shall include their respective heirs, devisees, personal representatives, successors, and assigns; any gender shall include all genders, the plural number the singular and the singular, the plural.

IN WITNESS WHEREOF, Grantor has caused this deed to be executed in its name by its undersigned duly authorized partner the date above written.

WITNESSES:

MANASOTA BEACH RANGLANDS, LLLP, a Florida limited liability limited partnership

By: Thomas Ranch Villages GP, LLC, a Delaware limited liability company, as General Partner

[Signature]
Witness Name: Patrick Ryskamp

By: Thomas Ranch Manager, LLC, a Delaware limited liability company, as Manager

[Signature]
Witness Name: Nicole F Christie

By: [Signature]
Richard P. Severance, as its Vice President

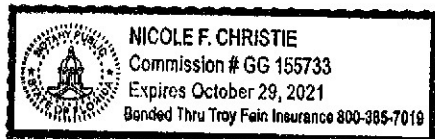
STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 27th day of May 2020 by Richard P. Severance, as Vice President of Thomas Ranch Manager, LLC, a Delaware limited liability company, the manager of Thomas Ranch Villages GP, LLC, a Delaware limited liability company, the general partner of MANASOTA BEACH RANGLANDS, LLLP, a Florida limited liability limited partnership, on behalf of the companies and the partnership. He has produced a FL DL as identification. If no identification is indicated, the above-named person is personally known to me.

[Signature]
Signature of Notary Public

(Notary Seal)

Nicole F Christie
Print Name of Notary Public



I am a Notary Public of the State of Florida, and my commission expires on _____.

EXHIBIT "A"
LEGAL DESCRIPTION

A tract of land lying in Sections 4 and 9, Township 40 South, Range 20 East, Sarasota County, Florida, being more particularly described as follows:


Commence at the northeast corner of said Section 5, also being the northwest corner of said Section 4; thence N.89°05'29"W., along the north line of said Section 5, a distance of 353.14 feet; thence S.00°54'31"W., a distance of 1,493.09 feet to the southeast corner of West Villages Parkway (138.00 foot wide public right-of-way) as recorded in the Official Records Instrument Numbers 2017156837 and 2019011092, Public Records of Sarasota County, Florida; thence S.77°53'19"W. along the south right-of-way line of said West Villages Parkway, a distance of 138.00 feet to a point on the future right-of-way of West Villages Parkway (variable width public right-of-way), also being the point of curvature of a non-tangent curve to the left having a radius of 2,067.00 feet and a central angle of 38°43'25"; the following six (6) calls are along said future right-of-way: (1) thence southeasterly along the arc of said curve, a distance of 1,396.99 feet, said curve having a chord bearing and distance of S.31°28'23"E., 1,370.56 feet, to the point of tangency of said curve; (2) thence S.50°50'06"E., a distance of 1,970.32 feet to the point of curvature of a curve to the right having a radius of 2,083.00 feet and a central angle of 03°16'59"; (3) thence southeasterly along the arc of said curve, a distance of 119.36 feet to the POINT OF BEGINNING; (4) thence continue southeasterly along said curve through a central angle of 38°32'56", a distance of 1,401.45 feet; (5) thence S.09°00'11"E., a distance of 461.88 feet to the point of curvature of a curve to the right having a radius of 1,150.00 feet and a central angle of 02°54'21"; (6) thence southerly along the arc of said curve, a distance of 58.32 feet to the end of said curve; thence S.82°38'38"W. along a line non-tangent to said curve, a distance of 781.77 feet ; thence S.61°36'42"W., a distance of 665.16 feet; thence N.66°17'19"W., a distance of 687.77 feet; thence N.01°25'48"E., a distance of 905.54 feet; thence N.52°10'50"E., a distance of 1,564.92 feet to the POINT OF BEGINNING.

5579576.v4

AFFIDAVIT

I (the undersigned), Sam Rodgers 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 14th day of May, 2024


Signature of Applicant or Authorized Agent

Sam Rodgers, Manager
Print Name and Title

STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 14th day of May, 2024, by Sam Rodgers who is personally known to me or has produced _____ as identification.



Signature - Notary Public

(Place Notary Seal Below)
 REGINA NICOLE HEMMING
Commission # HH 399714
Expires June 13, 2027

**AFFIDAVIT
AUTHORIZATION FOR AGENT/APPLICANT**

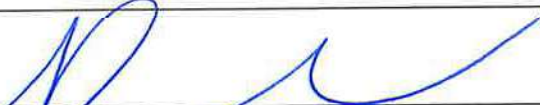
I, Sam Rodgers, property owner, hereby authorize Richard D. Rodgers. to act as Agent on our behalf to apply


for this application on the property described as (legal description) _____
LOT 29, GRAN PLACE, PB 55 PG 326-331

 5/14/2024
Owner Date

STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 14th day of May, 2024, by Sam Rodgers who is personally known to me or has produced _____ as identification.


Signature - Notary Public

(Place Notary Seal Below)
 REGINA NICOLE HEMMING
Commission # HH 399714
Expires June 13, 2027



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: July 1, 2024

PETITION NO: VAC-24-104

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 29, Block, of the to the Gran Place Subdivision, according to Plat
thereof recorded in Plat Book 55, Page 326 through 331, of the Public Records of Sarasota County,
Florida, also known as street address: 18035 Home Run Drive.

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 July 11, 2024 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.

Kevin Murphy Digitally signed by Kevin Murphy Date: 2024.07.01 09:43:21 -04'00'

Signature

941-356-1489

Phone No.

7/1/2024

Date

Comcast

Name of Utility

Please email responses to dbrown@northportfl.gov

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Peter J. Marietti III Digitally signed by Peter J. Marietti III Date: 2024.07.03 08:21:49 -04'00'

Signature

941.240.8180

Phone No.

July 3, 2024

Date

North Port Fire Rescue District

Name of Utility

Please email responses to dbrown@northportfl.gov

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Stephen A Waidley
Signature
(941) 266-9218
Phone No.

Digitally signed by Stephen A Waidley
DN: cn=Stephen A Waidley, o=Frontier Florida LLC, ou=Network Engineering, email=Stephen.A.Waidley@frontierfl.com
Reason: I am approving this document
Date: 2024.08.22 12:35:57-04'00'

8/22/2024
Date
Frontier Florida LLC
Name of Utility

Please email responses to dbrown@northportfl.gov

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Please respond by July 11, 2024 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

07/08/2024
Date

Phone No.

NPPW
Name of Utility

Please email responses to dbrown@northportfl.gov

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

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Signature: [Handwritten Signature]
240 8021

Date: 07.01.24
Name of Utility: NP UTILITIES

Please email responses to dbrown@northportfl.gov

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Signature
941-747-4131
Phone No.

7/24/2024
Date
Gran Place Property Owners Association, Inc
Name of Utility

Please email responses to dbrown@northportfl.gov

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Gran Place Property Owners Association, Inc.

7381 Professional Parkway

Sarasota, FL 34240

(941) 747-4131

July 24, 2024

City of NorthPort
Planning Division
4970 City Hall Blvd.
North Port, FL 34286

Re: Vacation of Easement-18035 Home Run Drive

Please be advised that the property owners association is still under developer control which I run and am currently the President of the Gran Place Property Owners Association, Inc. I am aware and support the vacation of easement for the property located at 18025 Home Run Drive.

Regards,

GRAN PLACE PROPERTY OWNERS ASSOCIATION, INC.



Sam R. Rodgers
PRESIDENT

Notice:

Notice of Intent City of North Port,
Sarasota County, Florida

To Whom It May Concern:

Notice is hereby given pursuant to the provisions of Chapter 177, Florida Statutes, that Gran Place LLC, the property owner, intends to petition the City of North Port to vacate a portion of the 15-foot platted Street Tree and Landscaping Easement located along the front lot line of Lot 29, Gran Place, as shown on Plat Book 55, Page 326 of the Public Records of Sarasota County, Florida.

June 14, 21, 2024

24-01187S

Exhibit C for VAC-24-104

From: [Auto-Receipt](#)
To: [Nikki Hemminger](#)
Subject: Transaction Receipt from Observer Media Group for \$56.00 (USD)
Date: Thursday, June 6, 2024 1:47:50 PM

Thank you for your order. This receipt is for a subscription or service purchased from the Observer Media Group and its publications: Business Observer - Jacksonville Daily Record - Longboat Observer - Sarasota/Siesta Key Observer - East County Observer - West Orange Times and Observer - Palm Coast/Ormond Beach Observer

Order Information

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Billing Information

Nikki Hemminger
 Sam Rodgers Properties
 7381 Professional Pkwy
 SARASOTA, FL 34240
 US
 hemmingern@samrodgers.com
 941-747-4131

Shipping Information

Nikki Hemminger
 Sam Rodgers Properties
 7381 Professional Pkwy
 SARASOTA, FL 34240
 US

Item	Name	Description	Qty	Taxable	Unit Price	Item Total
invoice_payment_legals	Invoice Payment	Invoice Payment: Invoice Number:24-01187S	1	N	\$56.00 (USD)	\$56.00 (USD)

Shipping: \$0.00 (USD)

Tax: \$0.00 (USD)

Total: \$56.00 (USD)

Payment Information

Date/Time: 6-Jun-2024 10:47:43 PDT
 Transaction ID: 80477984552
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Observer Media Group
 Sarasota, FL 34236
 US
 authorizenet@yourobservers.com

Serial Number
24-01187S

Business Observer

Published Weekly
Sarasota, Sarasota County, Florida

COUNTY OF SARASOTA

STATE OF FLORIDA

Before the undersigned authority personally appeared Kristen Boothroyd who on oath says that he/she is Publisher's Representative of the Business Observer a weekly newspaper published at Sarasota, Sarasota County, Florida; that the attached copy of advertisement,

being a Notice

in the matter of Intent to petition the City of North Port to vacate easement

in the Court, was published in said newspaper by print in the

issues of 6/14/2024, 6/21/2024

Affiant further says that the Business Observer complies with all legal requirements for publication in chapter 50, Florida Statutes.

*This Notice was placed on the newspaper's website and floridapublicnotices.com on the same day the notice appeared in the newspaper.

Notice:
Notice of Intent City of North Port, Sarasota County, Florida
To Whom It May Concern:
Notice is hereby given pursuant to the provisions of Chapter 177, Florida Statutes, that Gran Place LLC, the property owner, intends to petition the City of North Port to vacate a portion of the 15-foot platted Street Tree and Landscaping Easement located along the front lot line of Lot 29, Gran Place, as shown on Plat Book 55, Page 326 of the Public Records of Sarasota County, Florida.
June 14, 21, 2024 24-01187S



Kristen Boothroyd

Sworn to and subscribed, and personally appeared by physical presence before me,

21st day of June, 2024 A.D.

by Kristen Boothroyd who is personally known to me.



Notary Public, State of Florida
(SEAL)



Donna Condon
Comm. #HH015747
Expires: June 29, 2024
Bonded Thru Aaron Notary

Sarasota County Tax Collector

generated on 5/13/2024 2:17:07 PM EDT

Tax Record

Last Update: 5/13/2024 2:17:07 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			
0809030029	REAL ESTATE	2023			
Mailing Address		Property Address			
GRAN PLACE LLC 7381 PROFESSIONAL PKWY LAKEWOOD RANCH FL 34240		18035 HOME RUN DR 005			
		Old Account Number			
		0809-03-0029			
Base Exempt Amount	Taxable Value				
see below	see below				
Exemption Detail	Millage Code	Escrow Code			
NO EXEMPTIONS	0500				
Legal Description					
18035 HOME RUN DR LOT 29, GRAN PLACE, PB 55 PG 326-331					
Ad Valorem Taxes					
Taxing Authority	Rate	Assessed Value	Exemption Amount	Taxable Value	Taxes Levied
Sarasota Co. General Revenue	3.2653	139,260	0	\$139,260	\$454.73
Bonds-Debt Service	0.0799	139,260	0	\$139,260	\$11.13
Sarasota Co. Legacy Trl	0.0469	139,260	0	\$139,260	\$6.53
Mosquito Control	0.0460	139,260	0	\$139,260	\$6.41
Sarasota Co. Hospital Dist.	1.0420	139,260	0	\$139,260	\$145.11
SW FL Water Management Dist.	0.2043	139,260	0	\$139,260	\$28.45
West Coast Inland Navigation	0.0394	139,260	0	\$139,260	\$5.49
Sarasota School Board					
School Board - State	2.9320	290,000	0	\$290,000	\$850.28
School Board - Local	3.2480	290,000	0	\$290,000	\$941.92
City of North Port	3.7667	139,260	0	\$139,260	\$524.55
Total Millage		14.6705	Total Taxes		\$2,974.60
Non-Ad Valorem Assessments					
Code	Levying Authority	Amount			
F093	North Port Fire & Rescue	\$156.20			
I102	West Villages Improvement Dist	\$1,968.34			
R097	North Port Road & Drainage	\$20.35			
Total Assessments					\$2,144.89
Taxes & Assessments					\$5,119.49
If Paid By				Amount Due	
				\$0.00	

Date Paid	Transaction	Receipt	Item	Amount Paid
11/30/2023	PAYMENT	5010751.0037	2023	\$4,914.71

Prior Year Taxes Due

NO DELINQUENT TAXES
