

I. BACKGROUND

On January 23, 2023, property owners, Thaddeus Szumilas and Wielawa Stachura, formally submitted to the City of North Port a written petition to request a partial vacation of the platted rear 20-foot utility and drainage easement located on Lot 8, Block 160, 5th Addition to Port Charlotte Subdivision. The purpose of the vacation request is to allow a prefabricated shed to encroach into the 20-foot rear maintenance easement. If the request is granted, approximately 160 square feet of the easement will be vacated (**Figure 1**)..

The subject property is zoned Residential Single-Family (RSF-2) with a Future Land Use Designation of Low-Density Residential.

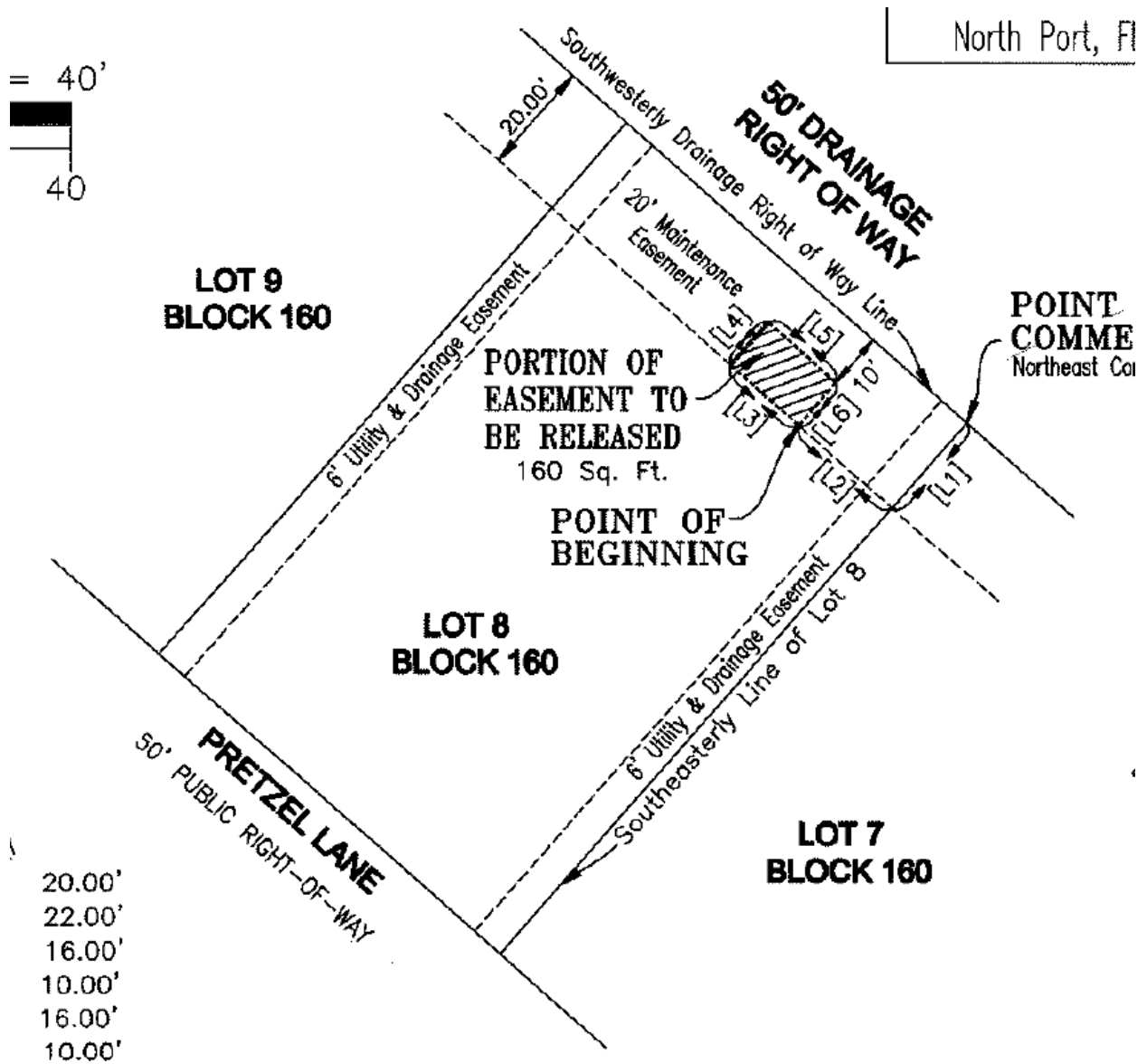


Figure 1. Easement area to be vacated

II. PROJECT SUMMARY

The applicant/property owner, Thaddeus Szumilas is requesting to vacate a portion of the platted rear 20-foot utility and drainage easement to allow a prefabricated shed to be placed in the encroachment. Based on the Vacation of Easement (VOE) survey dated February 6, 2023, the proposed shed would sit entirely within the rear 20-foot utility and drainage easement.

III. REVIEW PROCESS

The following agencies¹ have reviewed the request to vacate the portion of the platted rear 20-foot maintenance easement and, through written response, have granted their approval. No issues or concerns were raised regarding the request (**Exhibit C**).

Utility Agency	Response
Amerigas	Is granted ²
Comcast/Truenet Communications	Is granted ³
Florida Power and Light (FP&L)	Is granted
Frontier	Is granted
City of North Port Fire/Rescue	Is granted
City of North Port Public Works	Is granted
City of North Port Utilities	Is granted ⁴

Based on the responses received, the request to vacate a portion of the rear 20-foot maintenance drainage easement meets the following:

¹ The recorded plat for the Eighth Addition to Port Charlotte Subdivision General Notes states, “*A 20-foot strip along the lots lines abutting and adjacent to the waterways and drainage rights of way...”. “The easements hereinafter described are reserved to said Corporation, its successors or assigns, for the installation and maintenance of public utilities and drainage facilities.*...” Since the easement language includes public utilities, all agencies were notified of the request to vacate.

² Amerigas was provided notification on February 13, 2023, with a deadline of February 27, 2023. As per policy, if after (10) days, a response is not received, it will be assumed there is no issue with the vacation of easement request.

³ Comcast/Truenet Communications was provided notification on February 13, 2023, with a deadline of February 27, 2023. As per policy, if after (10) days, a response is not received, it will be assumed there is no issue with the vacation of easement request.

⁴ City of North Port Utilities was provided notification on February 13, 2023, with a deadline of February 27, 2023. As per policy, if after (10) days, a response is not received, it will be assumed there is no issue with the vacation of easement request.

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

IV. LEGAL REVIEW

The accompanying Resolution No. 2023-R-31 has been reviewed and approved by the City Attorney as to form and correctness.

V. DATA & 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 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 establishes that the applicant owns the fee simple title of the subject property. Based on staff review as well as due-diligence correspondence with utility agencies (detailed as a part of Section II and III of this document), it is also determined that the vacation of easements does not affect the ownership or right of convenient access of persons owning any other parts of the subdivision. The property owner filed a notice of intent to apply to the City of North Port to vacate the plat by publishing a legal notice in the North Port Sun newspaper for two weekly issues, (**Exhibit D**) and in addition, provided to the City of North Port Planning & Zoning Division an application to request a vacation of platted easements, proof of said publication, together with proof that taxes have been paid (**Exhibit E**).

Staff concludes that Petition VAC-23-020 is consistent with the Florida Statutes.

CHAPTER 53 ZONING REGULATIONS

The Unified Land Development Code (ULDC) contains regulations that govern the development and use of land 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. 53-267D. 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-23-020 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 to vacate the plat by publishing a legal notice in the North Port Sun newspaper for two weekly issues and in addition provided to the City of North Port Planning & Zoning Division an application to request a vacation of platted easements, proof of said publication, together with proof that taxes have been paid.

Staff concludes that the proposed Petition VAC-23-020 is consistent with Chapter 53 of the ULDC.

VI. PUBLIC HEARINGS

Planning & Zoning Advisory Board Public Hearing	April 6, 2023 9:00 AM or as soon thereafter
City Commission Public Hearing	April 25, 2023 6:00 PM or as soon thereafter

VII. RECOMMENDED MOTIONS

The Planning & Zoning Division recommends that the Planning and Zoning Advisory approve Petition Number VAC-23-020 via Resolution No. 2023-R-31 and recommend motion as follows:

I move to recommend approval to the City Commission Petition Number VAC-23-020, Resolution No. 2023-R-31.

If the motion is to deny:

I move to recommend denial to the City Commission Petition Number VAC-23-020, Resolution No. 2023-R-31.

VIII. ALTERNATIVE ACTIONS

City Commission may deny Petition VAC-23-020. New findings would need to be written to support that recommendation if that were the case. In addition, the property owners would be required to remove the pool deck and cage portion, so it no longer encroaches into the rear 20-foot easement.

IX. EXHIBITS

Exhibits
A. Affidavit
B. Warranty Deed
C. Notification to Utility Agencies and Responses
D. Notice of Intent
E. Proof that All Applicable Taxes Have Been Paid

AFFIDAVIT

I (the undersigned), Hans Menzer 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 25 day of August, 2022,

Hans Menzer Signature of Applicant or Authorized Agent
President, Flamingo Pool & Spa, Inc Print Name and Title

STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 25 day of August, 2022, by Hans G Menzer III who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public



AFFIDAVIT

AUTHORIZATION FOR AGENT/APPLICANT

I, CYNTHIA MORA, property owner, hereby authorize Hans Menzer - Flamingo Pool & Spa, Inc. to act as Agent on our behalf to apply for this application on the property described as (legal description) 22916 Sadnet Ln

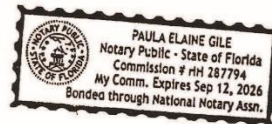
North Port, FL 34286
[Signature] Date 8/29/22

STATE OF Florida COUNTY OF Sarasota
The foregoing Instrument was acknowledged by me this 30th day of August, 2022, by Cynthia Mora who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public

(Place Notary Seal Below)

Revised 8-30-19 (Reviewed by CAO)



RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2018019378 2 PG(S)

2/14/2018 1:45 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 2204269

Doc Stamp-Deed: \$0.70

THIS INSTRUMENT PREPARED BY:

Lori Wellbaum Emery
WELLBAUM and EMERY, P.A.
686 N. Indiana Ave., Suite A
Englewood, FL 34223

Parcel ID Number: 1003016008

TRUSTEE'S DEED

THIS INDENTURE, made this 13th day of February, 2018, by and between **THADDEUS SZUMILAS and WIESLAWA STACHURA, husband and wife**, hereinafter referred to as **GRANTORS**, and **THADDEUS J. SZUMILAS, as Trustee of the THADDEUS J. SZUMILAS LIVING TRUST, dated November 5, 2017 and WIESLAWA STACHURA, as Trustee of the WIESLAWA STACHURA LIVING TRUST, dated November 3, 2017, as Joint Tenants with Rights of Survivorship**, hereinafter referred to as **GRANTEES**, whose mailing address is 2432 Pretzel Lane, North Port, FL 34286.

WITNESSETH, Grantor, in consideration of Ten and 00/100 (\$10.00) Dollars, and other good and valuable consideration in hand paid, receipt of which is hereby acknowledged, convey, grant, bargain, sell, alien, remise, release, confirm and warrant under provision of Section 689.071, Florida Statutes, unto Grantee, successors and assigns, that certain real property located in Sarasota, Florida (the "Property") which is legally described as follows:

Lot 8, Block 160, FIFTH ADDITION TO PORT CHARLOTTE SUBDIVISION, according to the Plat thereof recorded in Plat Book 11, Page 33, of the Public Records of Sarasota County, Florida.

SUBJECT TO taxes for the year 2017 and subsequent years, restrictions, reservations and easements of record.

Grantor herein covenants that subject property is not their homestead nor contiguous to their homestead.

THIS DEED IS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH OR TITLE EXAMINATION.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the Property in fee simple upon the trusts and for the uses and purposes described in this Deed and in the trust agreement referred to above (hereafter the "Trust Agreement").

FULL POWER AND AUTHORITY is hereby conferred upon the Grantee to improve, protect, conserve, sell, lease, encumber and otherwise manage and dispose of the Property, or any part thereof. In amplification of the preceding sentence, and not in limitation of it, the Grantee hereunder are specifically empowered to contract to sell, or to grant options to purchase, the Property on any terms; to mortgage, pledge or otherwise encumber the Property, or any part thereof; to lease the Property, or any part thereof, from time to time, in possession or reversion, by leases to commence in the present or future, and upon any terms and for any period or periods of time, to partition or to exchange the Property, or any part thereof, for other real or personal property; to submit the Property to condominium; to grant easements or charges of any kind; to release, convey or assign any right, title or interest in or about an easement appurtenant to the Property, or any part thereof; and to deal with the Property and every part thereof in all other ways and for such other consideration as would be lawful for any person owning the same to accept, whether similar to or different from the ways specified above, at any time or times hereafter.

EACH SUCCESSOR IN TRUST to the Property shall have all of the title, estate, powers and authority hereby conferred upon, and vested in, the Grantee.

Exhibit B for VAC-23-020

NO PARTY DEALING WITH GRANTEE IN RELATION TO THIS DEED or the Property in any manner whatsoever, and (without limiting the foregoing) no party to whom the Property, or any part thereof or any interest therein, shall be conveyed, encumbered, leased or contracted to be sold by Grantee, shall be obligated to: (a) see to the application of any purchase money, rent or money borrowed or advanced with respect to the Property; (b) see that the Grantee has complied with the trust agreement referred to above; (c) inquire into the authority, necessity or expediency of any act of the Grantee; or (d) inquire into the terms of the trust agreement.

Every deed, mortgage, lease or other instrument executed by Grantee in relation to the Property shall be conclusive evidence, in favor of every person claiming any right, title or interest thereunder, that: (a) at the time of delivery thereof the trust referred to above was in full force and effect; (b) such instrument was executed in accordance with the terms and conditions of the trust agreement and all amendments thereof, if any, and is binding upon the beneficiaries thereunder; (c) the Grantee are duly authorized and empowered by the trust agreement to execute and deliver such instrument; (d) if a conveyance of the Property has been made to a successor or successors in trust, that such successor or successors have been properly appointed and are fully vested with all the title, estate, rights, powers, duties and obligations of its, her, his or their predecessor(s) in trust.

The interest of the beneficiaries named in the trust agreement referred to above and of all persons claiming under them shall be in the rents, avails and proceeds arising from the sale or other disposition of the Property, as well as the right to occupy and reside upon said property as homestead as long as otherwise qualified under Florida law.

IT IS THE INTENT OF THIS DEED to comply with the provisions of section 689.071 of the Florida Statutes and to vest in Grantee all rights and powers authorized and contemplated by such provision, as in effect from time to time.

The terms "Grantor", "Grantee", "Trustee", and "beneficiaries", are used for singular and plural, as the context requires.

IN WITNESS WHEREOF, the said Grantor has hereunto set his/her hand and seal the day and year first above written.

Signed, Seal and Delivered
in the Presence of:

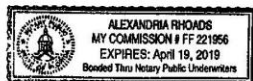
Brenda Dick
Witness' Signature
Brenda Dick
Witness' printed name
Alexandria Rhoads
Witness' Signature
Alexandria Rhoads
Witness' printed name

Thaddeus Szumilas
THADDEUS SZUMILAS
address 2432 Pretzel Lane,
North Port, FL 34286
Wieslawa Stachura
WIESLAWA STACHURA
address 2432 Pretzel Lane,
North Port, FL 34286

STATE OF FLORIDA)
COUNTY OF SARASOTA)

The foregoing instrument was acknowledged, sworn to and subscribed before me this 13th day of February, 2018, by THADDEUS SZUMILAS and WIESLAWA STACHURA, husband and wife.

who is personally known to me; or
 who has provided Florida Driver's License as identification.



My Commission Expires:

Alexandria Rhoads
Signature of Notary Public
Alexandria Rhoads
Printed Name of Notary Public

(SEAL)

Notary's Serial Number



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: 02/13/2022

PETITION NO: VAC-23-020

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 8, Block 160, of the 5th Addition to the Port Charlotte Subdivision, according to Plat thereof recorded in Plat Book 11, Page 33, of the Public Records of Sarasota County, Florida, also known as street address: 2432 Pretzel Lane, North Port, FL, 34286

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

[X] 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 2/27/2023 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: 2023.02.14 11:25:23 -05'00'
Signature
941.240.8180
Phone No.

2/14/2023
Date
North Port Fire Rescue District
Name of Utility

Please email responses to shudson@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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Please respond by 2/27/2023 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.: (941) 43-4888

Date: 2/14/2023
Name of Utility: Florida Power & Light

Please email responses to shudson@northportfl.gov

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Please respond by 2/27/2023 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: 2023.02.13 15:18:10 -05'00'
Signature
(941) 266-9218
Phone No.

2/13/2023
Date
Frontier Florida LLC
Name of Utility

Please email responses to shudson@northportfl.gov

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DATE: 02/13/2022

PETITION NO: VAC-23-020

TO:

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Amerigas
Florida Power and Light
Planning & Zoning

North Port Utilities
Comcast Cable/Truenet Communications Mike Little,
Frontier Communications
Fire/Rescue

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Please respond by 2/27/2023 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.

Tony Payne
Signature

02/15/2023
Date

Phone No.

NPPW
Name of Utility

Please email responses to shudson@northportfl.gov

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OFFICIAL AD PROOF

This is the proof of your ad scheduled to run in **North Port** on the dates indicated below. If changes are needed, please contact us prior to deadline at **(847) 707-1615**.

Notice ID: 9BLeiHaFIVydg1KzJvvy | **Proof Updated: Mar. 14, 2023 at 06:01pm EDT**
Notice Name: Shed

See Proof on Next Page

This is not an invoice. Below is an estimated price, and it is subject to change. You will receive an invoice with the final price upon invoice creation by the publisher.

FILER	FILING FOR
Wieslawa Stachura vickysta62@gmail.com (847) 707-1615	North Port

Columns Wide: 1	Ad Class: Legals
-----------------	------------------

03/15/2023: Custom Notice	3.96
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Subtotal	\$3.96
Tax	\$0.00
Processing Fee	\$0.40
Total	\$4.36

Exhibit D for VAC-23-020

NOTICE IS HEREBY GIVEN PURSUANT TO THE PROVISION OF SECTION 177.101 (4) FLORIDA STATUTES, THAT THADDEUS SZUMILAS AND WIESLAWA STACHURA THE PROPERTY OWNERS INTENT TO PETITION THE CITY OF NORTH PORT TO VACATE 160 SQUARE FEET OF REAR EASEMENT FOR LOT 8 BLOCK 160, 5TH ADDITION TO PORT CHARLOTTE SUBDIVISION LYING ADJACENT TO THE SOUTH-WESTERLY RIGHT OF WAY LINE 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 AS RECORDED IN PLAT BOOK 11, PAGES 33, 33-A THROUGH 33-R, INCLUSIVE OF PUBLIC RECORDS OF SARASOTA COUNTY FLORIDA. ALL OF THE ABOVE LYING AND BEING IN THE CITY OF NORTH PORT, SARASOTA COUNTY, FLORIDA

Public Meeting:
Planning and Zoning Advisory Board –
April 6, 2023 at 10:00AM located at City
Hall 4970 City Hall Blvd, North Port FL
City Commission – April 25, 2023 at
6:00PM located at City Hall 4970 City
Hall Blvd, North Port FL

Sarasota County Tax Collector

Tax Record

Last Update: 3/28/2023 9:30:47 AM 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			
1003016008	REAL ESTATE	2022			
Mailing Address THADDEUS J SZUMILAS LIVING TRU SZUMILAS THADDEUS J (TTEE) WIESLAWA STACHURA LIVING TRUST 2432 PRETZEL LN NORTH PORT FL 34286		Property Address 2432 PRETZEL LN 005 Old Account Number 1003-01-6008			
Base Exempt Amount	Taxable Value				
see below	see below				
Exemption Detail HX 25000 H2 25000	Millage Code 0500	Escrow Code			
Legal Description 2432 PRETZEL LN LOT 8 BLK 160 5TH ADD TO PORT CHARLOTTE					
Ad Valorem Taxes					
Taxing Authority	Rate	Assessed Value	Exemption Amount	Taxable Value	Taxes Levied
Sarasota Co. General Revenue	3.2497	184,785	50,000	\$134,785	\$438.01
Mosquito Control	0.0500	184,785	50,000	\$134,785	\$6.74
Sarasota Co. Hospital Dist.	1.0420	184,785	50,000	\$134,785	\$140.45
West Coast Inland Navigation	0.0394	184,785	50,000	\$134,785	\$5.31
SW FL Water Management Dist.	0.2260	184,785	50,000	\$134,785	\$30.46
Bonds-Debt Service	0.0915	184,785	50,000	\$134,785	\$12.33
Sarasota Co. Legacy Trl	0.0551	184,785	50,000	\$134,785	\$7.43
Sarasota School Board					
School Board - State	3.0240	184,785	25,000	\$159,785	\$483.19
School Board - Local	3.2480	184,785	25,000	\$159,785	\$518.98
City of North Port	3.7667	184,785	50,000	\$134,785	\$507.69
Total Millage		14.7924	Total Taxes		\$2,150.59
Non-Ad Valorem Assessments					
Code	Levying Authority	Amount			
F093	North Port Fire & Rescue	\$361.09			
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					\$830.37
Taxes & Assessments					\$2,980.96
If Paid By		Amount Due			
		\$0.00			