



# City of North Port

## RESOLUTION NO. 2026-R-04

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING UTILITY AND DRAINAGE EASEMENT FOR LOTS 15 & 16 BLOCK 334 OF THE 5TH ADDITION TO THE 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-25-04036, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
  - (a) Susan Abing owns fee simple title to Lots 15 & 16 Block 334 of the 5th Addition to the Port Charlotte Subdivision;
  - (b) Lots 15 & 16 Block 334 of the 5th Addition to the Port Charlotte Subdivision recorded in Plat Book 11, Pages 33, 33A thru 33R (330) of the official records of Sarasota County, Florida grants to the City of North Port, Florida, six (6) feet for the purpose of utility and drainage easements at the sides of Lots 15 & 16 Block 334 of the plat ("Easements");
  - (c) The petition requests that the City vacate the entirety of the two (2) platted six-foot (6') 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.

1.02 All exhibits attached to this resolution are incorporated by reference.

## **SECTION 2 – VACATION OF EASEMENTS**

- 2.01 The City Commission approves Petition PVAC-25-04036 to the extent provided in this resolution.
- 2.02 The City Commission vacates  $\pm$ 1,380 square feet of the two (2) platted six (6)-foot utility and drainage easements, as described below and depicted in the survey attached as Exhibit A:

COMMENCE AT THE SOUTHWESTERLY CORNER OF LOT 15, BLOCK 334, FIFTH ADDITION TO PORT CHARLOTTE SUBDIVISION AS RECORDED IN PLAT BOOK 11, PAGES 33, 33A THRU 33R (330) OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA. SAID POINT ALSO LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF YAMADA LANE (50 FEET WIDE); THENCE S72°35'33"E, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 74.00 FEET TO THE POINT OF BEGINNING; THENCE N17°24'27"E, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 115.00 FEET; THENCE S72°35'33"E, A DISTANCE OF 12.00 FEET; THENCE S17°24'27"W, A DISTANCE OF 115.00 FEET; THENCE N72°35'33"W, A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,380 SQUARE FEET OR 0.032 ACRES, MORE OR LESS.

## **SECTION 3 – RECORDING**

- 3.01 Pursuant to the Unified Land Development Code Section 2.2.17., the applicant is responsible for recording documents approving vacations in Public Records of Sarasota County and providing the Development Services Department with the Official Record Book and Page and/or Plat Book and Page information of the recorded documents or plat.

## **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 January 13, 2026.

CITY OF NORTH PORT, FLORIDA

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PETE EMRICH  
MAYOR

ATTEST

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HEATHER FAUST, MMC  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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MICHAEL FUINO, B.C.S.  
CITY ATTORNEY