



# Vacation of Panacea Commercial Park, Phase 1 via Resolution No. 2024-R-06

Petition No. VAC-23-135

Presented by: The Planning and  
Zoning Division

# Overview

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**Applicant:** Todd Mathes (Agent)

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**Property Owner:** Will-Ridge Associates, LLC / Huntington National Real Estate Investments, LLC

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**Request:** Vacate Progress Court right-of-way and all internal easements that are associated with any lots/tracts on the plat

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**Location:** East of N. Toledo Blade Boulevard, north of Plantation Boulevard, and south of I-75

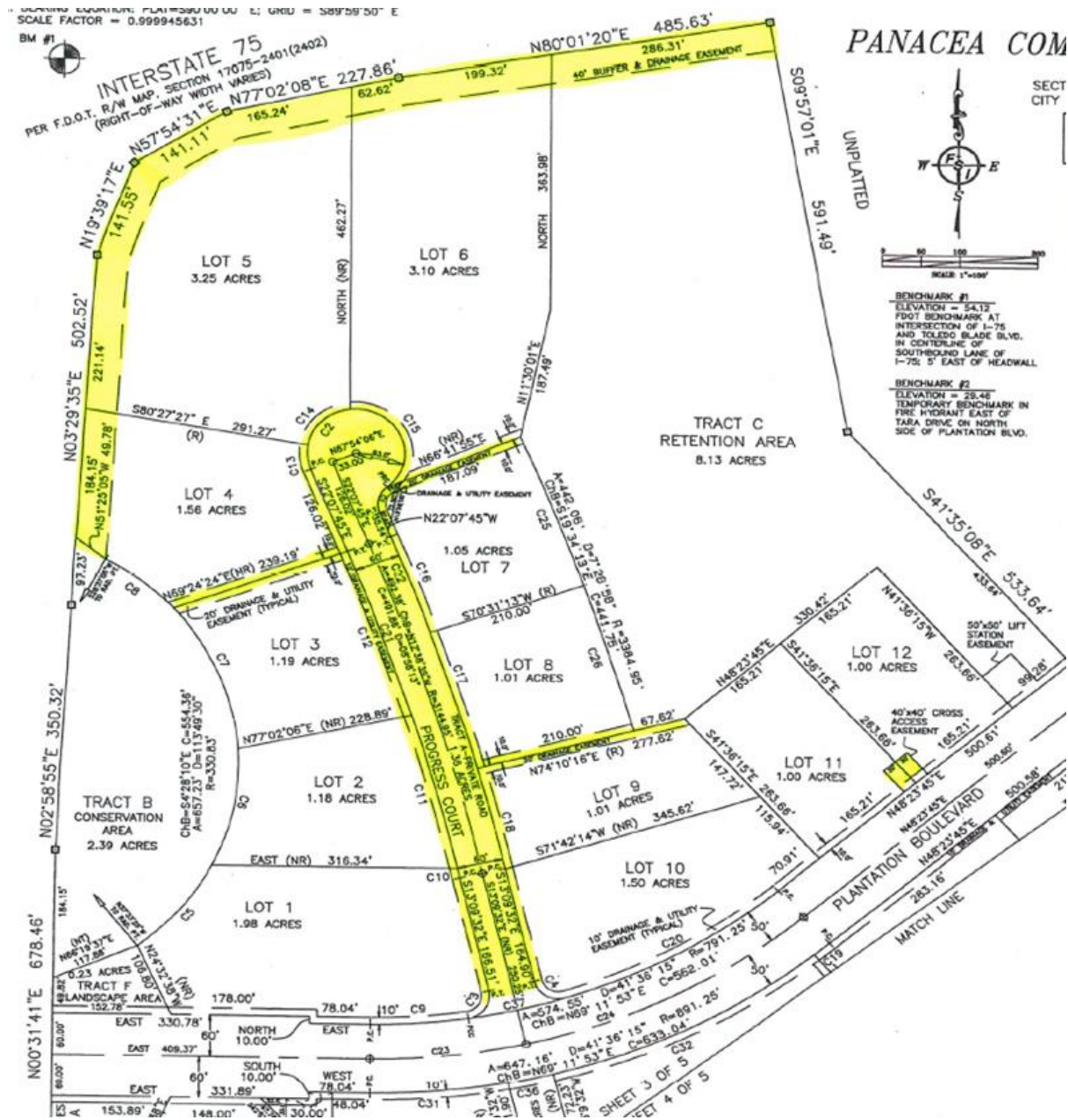
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**Property Size:** ± 64.394 acres

Requesting to vacate the Progress Court ROW and all internal easements that are associated with any lots/tracts on the plat.

A 10-foot easement along Plantation Boulevard will remain as requested by FPL.

Total area to be vacated 3.43 acres



# Review Process

The following agencies have reviewed the request to vacate the platted easements and, through written response, have granted their approval. FPL requested that the 10-foot easement along Plantation Boulevard remain.

Utility Agency	Response
<u>Amerigas</u>	Is granted <sup>1</sup>
Comcast/ <u>Truenet</u> Communications	Is granted
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

# Amendments to Resolution 2024-R-06

- Revisions to the resolution were necessitated by Exhibit I depicting the 10-foot easement along Plantation Boulevard, which easement is to be retained.
- Woodlands Phase II is under construction; easements must be vacated for construction to proceed vertically.
- Staff will read the amendments to Sections 1 and 2 of the resolution into the record. Exhibit I of the Resolution (as presented in the agenda) is to be deleted.

# Amendments to Resolution 2024-R-06

## 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-23-135, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:

(a) Will-Ridge Associates, LLC, and Huntington National Real Estate Investments, LLC, own fee simple title to Progress Court and Lots 1-17, as identified in the Panacea Commercial Park, Phase I Subdivision;



# Amendments to Resolution 2024-R-06

## Section 1.02 continued

(b) Panacea Commercial Park Phase I recorded at Plat Book 44, Page 16 of the official records of Sarasota County, Florida, grants to the City of North Port, Florida, the following utility and drainage easements (collectively, the “Easements”):

1. Ten (10) feet for the purpose of utility and drainage easements along Progress Court at the front of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of the plat;
2. Ten (10) feet for the purpose of utility and drainage easements running parallel along the north side of Plantation Boulevard at side of Tract F, Lots 1 and 10, and at the front of Lots 11, 12, and Tract C;

# Amendments to Resolution 2024-R-06

## Section 1.02 continued

3. Forty (40) feet for the purpose of buffer and drainage easements at the rear of Lots 4, 5, 6, and Tract C of the plat;
4. Twenty (20) feet for the purpose of utility and drainage easements at the side of Lots 3 and 4 of the plat;
5. Twenty (20) feet for the purpose of drainage easements at the side of Lots 6 and 7 of the plat;
6. Approximately one thousand thirty five (1,035) square feet for the purpose of utility and drainage easements at the corner of Lot 7 of the plat;



# Amendments to Resolution 2024-R-06

## Section 1.02 continued

7. Twenty (20) feet for the purpose of drainage easements at the side of Lots 8 and 9 of the plat;
8. One thousand six hundred (1,600) square feet for the purpose of a cross access easement at the front of Lots 11 and 12 of the plat; and
9. Fifty-nine thousand, two hundred and ninety-three (59,293) square feet for the purpose of right-of-way for Progress Court.

# Amendments to Resolution 2024-R-06

## Section 1.02 continued

(c) The petition requests that the City vacate the entirety of the platted utility and drainage easements found within Lots 1-10, and Tract C, the cross access easement within Lots 11 and 12, and the right-of-way for Progress Court, with the City retaining the ten (10) foot-wide utility and drainage easement running parallel along the north side of Plantation Boulevard;

(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;

# Amendments to Resolution 2024-R-06

## Section 1.02 continued

(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

# Amendments to Resolution 2024-R-06

Section 1.02 continued

(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.

# Amendments to Resolution 2024-R-06

## SECTION 2 – VACATION OF EASEMENTS

2.01 The City Commission approves Petition VAC-23-135 to the extent provided in this resolution.

2.02 The City Commission vacates a  $\pm 18,676.78$  square foot portion of its existing platted 10-foot-wide utility and drainage easement along Progress Court, as described below and depicted in the survey attached as Exhibit A: (no changes to legal description)

2.03 The City Commission vacates a  $\pm 55,525.65$  square foot portion of its existing platted 40-foot-wide buffer and drainage easement at the rear of Lots 4, 5, 6, and Tract C of the plat, as described below and depicted in the survey attached as Exhibit B: (no changes to legal description or exhibit)

# Amendments to Resolution 2024-R-06

## SECTION 2 continued

2.01 The City Commission approves Petition VAC-23-135 to the extent provided in this resolution.

2.02 The City Commission vacates a  $\pm 18,676.78$  square foot portion of its existing platted 10-foot-wide utility and drainage easement along Progress Court, as described below and depicted in the survey attached as Exhibit A: (no changes to legal description or exhibit)

2.03 The City Commission vacates a  $\pm 55,525.65$  square foot portion of its existing platted 40-foot-wide buffer and drainage easement at the rear of Lots 4, 5, 6, and Tract C of the plat, as described below and depicted in the survey attached as Exhibit B: (no changes to legal description)

# Amendments to Resolution 2024-R-06

## SECTION 2 continued

2.04 The City Commission vacates a  $\pm 4,785.01$  square foot portion of its existing platted 20-foot-wide utility and drainage easement at the side of Lots 3 and 4 of the plat, as described below and depicted in the survey attached as Exhibit C: (no changes to legal description)

2.05 The City Commission vacates a  $\pm 3,755.34$  square foot portion of its existing platted 20-foot-wide drainage easement at the side of Lots 6 and 7 of the plat, as described below and depicted in the survey attached as Exhibit D: (no changes to legal description)



# Amendments to Resolution 2024-R-06

## SECTION 2 continued

2.06 The City Commission vacates a  $\pm 1,035.98$  square foot portion of its existing platted corner of Lot 7 utility and drainage easement at the corner of Lot 7 of the plat, as described below and depicted in the survey attached as Exhibit E: (no changes to legal description)

2.07 The City Commission vacates a  $\pm 4,900.18$  square foot portion of its existing platted 20-foot-wide drainage easement at the side of Lots 8 and 9 of the plat, as described below and depicted in the survey attached as Exhibit F: (no changes to legal description)

# Amendments to Resolution 2024-R-06

## SECTION 2 continued

2.08 The City Commission vacates a  $\pm 59,293$  square foot portion of its existing platted 60-foot-wide right-of-way easement for Progress Court, as described below and depicted in the survey attached as Exhibit G: (no changes to legal description)

2.09 The City Commission vacates a  $\pm 1,600$  square foot portion of its existing platted 40x40-foot-wide access easement at the front of Lots 11 and 12 of the plat, as described below and depicted in the survey attached as Exhibit H: (no changes to legal description)

# Amendments to Resolution 2024-R-06

## SECTION 2 continued

2.10 The City of North Port shall retain the existing 10-foot-wide utility and drainage easement, totaling  $\pm 32,620.64$  square feet, running parallel along the north side of Plantation Boulevard. (Elimination of Exhibit I)

# Compliance with Florida Statutes and ULDC Chapter 53 Zoning Regulations



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The vacation of easement was reviewed and approved by staff for conformance with the Florida Statutes Chapter 177.

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The vacation of easement was reviewed and approved by staff for conformance with ULDC Chapter 53 Zoning Regulations.



# PZAB Recommendation



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On January 4, 2024, the Planning & Zoning Advisory Board voted unanimously (5-0 with 2 members absent) to approve Res. No. 2023-R-06/VAC-23-135.

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The staff report and presentation clearly communicated that the 10-foot easement along Plantation Boulevard would not be vacated.

# Staff Recommendations



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The Planning & Zoning Division recommends approval of Petition No. VAC-23-135 via Resolution No. 2024-R-06 with the amendments to Sections 1 and 2 of the resolution and elimination of Exhibit I as stated.

# Questions?

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