



City of North Port

RESOLUTION NO. 2023-R-81

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF THE REAR MAINTENANCE EASEMENT FOR LOT 43, BLOCK 645, FOURTEENTH 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 November 2, 2023, 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-23-148, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
 - (a) Applicant owns fee simple title to Lot 43, Block 645, Fourteenth Addition to Port Charlotte Subdivision;
 - (b) The plat of the Fourteenth Addition to Port Charlotte Subdivision as recorded in Plat Book 13, page 13, inclusive, of the official records of Sarasota County, Florida grants to the City of North Port, Florida, 20 feet for the purpose of maintenance easements at the rear of Lot 3, Block 645 of the plat (“Easements”);

- (c) The petition requests that the City vacate a portion of the platted twenty-foot (20") maintenance easement;
- (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-23-148 to the extent provided in this resolution.

2.02 The City Commission vacates a ± 680 square foot portion of its existing platted twenty-foot (20") wide maintenance easement, as described below and depicted in the survey attached as Exhibit A:

“A portion of the 20-foot wide Maintenance Easement lying adjacent to the Northeasterly Right of Way Line of a 75' wide Drainage Right of Way and the Southwesterly line of Lot 43, Block 645, 14th Addition to Port Charlotte, according to the Plat thereof, as recorded in Plat Book 13, Pages 13, 13-A through 13-Q, of the Public Records of Sarasota County, Florida, and being more particularly described as follows:

Commencing at the Southeast corner of said lot 43; thence N.46°15'20"E. along the Southeasterly line of said lot 43, a distance of 20.00'; thence N.43°44'40"W. along a line being 20.00' Northeasterly of and parallel with said Southwesterly line of lot 43, a distance of 10.00' to the Point of Beginning; thence S.46°15'20"W. along a line being 6.00' Northwesterly of and parallel with said Southeasterly line of lot 43; a distance of 10.00'; thence N.43°44'40"W. along a line being 10.00' Northeasterly of and parallel with said Southwesterly line of said lot 43, a distance of 68.00'; thence, N.46°15'20"E. along a line being 6.00' Southeasterly of and parallel with the Northwesterly line of said lot 43, a distance of 10.00'; thence, S.43°44'40"E. along said line being 20.00' Northeasterly of and parallel with the

Southwesterly line of lot 43, a distance of 68.00' to the Point of Beginning, and containing 680 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 October 10, 2023.

CITY OF NORTH PORT, FLORIDA

BARBARA LANGDON
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. 2023-R-81
VACATING A PORTION OF MAINTENANCE EASEMENT FOR LOT 43, BLOCK 645, 14TH ADDITION TO PORT CHARLOTTE
SUBDIVISION**

SITE SKETCH AND SURVEY

