



## STAFF REPORT

### Vacation of Easement

(Petition No. PVAC-25-04222)

Resolution No. 2026-R-16

**From:** Adriana Silva, Planner II

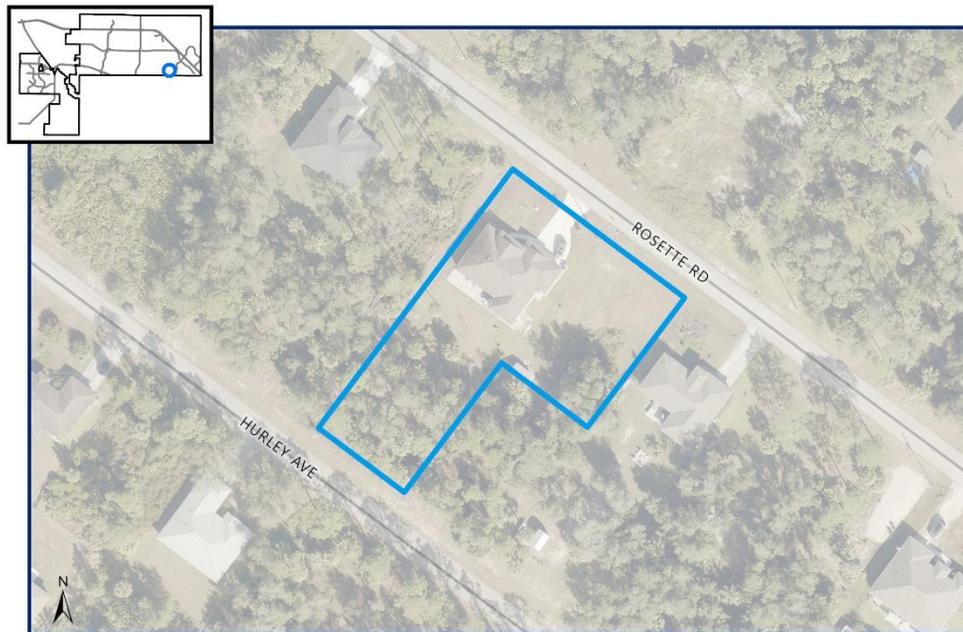
**Thru:** Lori Barnes, AICP, CPM, Development Services Deputy Director

**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:** March 10, 2026



**PROJECT:** PVAC-25-04222, Vacation of Easement

**REQUEST:** Vacate a portion of the platted rear 10-foot utility and drainage easements ( $\pm 288$  square feet) located at the rear lot line of Lot 8, Block 1082 of the 23<sup>rd</sup> Addition to the Port Charlotte Subdivision.

**APPLICANT:** Fernando Alcantara Wandekoken & Andreza Sathler (**Exhibit A – Affidavit and Warranty Deed**)

**OWNERS:** Fernando Alcantara Wandekoken & Andreza Sathler (**Exhibit A – Affidavit and Warranty Deed**)

**LOCATION:** 5617 ROSETTE RD, NORTH PORT, FL, PID: 1145108208 (2026 Parcel)

**PROPERTY SIZE:**  $\pm 0.714$  acres (31,125 Square Feet)



### III. REVIEW PROCESS

The following agencies have reviewed the request to vacate a portion of the platted rear 10-foot utility and drainage easement as per ULDC Section 2.2.17.C and, through written response, have granted their approval. **(Exhibit C - Notification to Utility agencies and responses).**

<b>Utility Review Summary</b>	
<b>Agency</b>	<b>Response</b>
Amerigas	None
Comcast/Truenet Communications	Approved
Florida Power and Light	Approved
Frontier	Approved
North Port Fire/Rescue	Approved
North Port Public Works	Approved
North Port Utilities	Approved
<b>If a Utility Agency does not respond within 10 days of notification the vacation of easement request is deemed uncontested.</b>	

#### Conclusion

Based on the responses received, the request to vacate the platted rear 10-foot Utility and Drainage 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.

#### Legal Review

Resolution 2026-R-16 has been reviewed by the City Attorney, and it is legally correct as to form.

## 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 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 property owners filed a notice of intent to petition the City of North Port to vacate the rear utility and drainage easement by publishing a legal notice in the Daily Sun newspaper for two consecutive weeks. (**Exhibit D - Notice of Intent**). Additionally, the applicants provided the City of North Port Planning and Zoning Division, an application to request a vacation of platted utility and drainage easement, a Publisher's Affidavit, certification that taxes have been paid, and all other requisite documents (**Exhibit E - Certification that all applicable taxes have been paid**). 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.

**Staff concludes that the proposed Petition PVAC-25-04222 is consistent with Florida Statutes Section 177.101.**

## ULDC CHAPTER 2 Development Review

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 2 of the ULDC, Article II. Development Application Types, Sec. 2.2.17 allows for a vacation of platted easements provided that platted easements shall be vacated in accordance with Florida Statutes Chapter 177. In addition, Section 2.2.17.B. includes Decision Criteria for the City Commission to approve a Vacation, as follows:

Decision Criteria. City Commission shall determine whether and the extent to which the vacation:

- (1). Involves land that Is currently occupied by public facilities.
- (2). Necessitates additional easements for future public facilities.
- (3). Impairs or eliminates access to any lot of record.
- (4). Adversely impacts the existing road network or substantially alters travel patterns.

Findings & Conclusion: Staff reviewed the Petition VAC-25-04222 relative to ULDC Chapter 2 Development Review. 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 (2) weekly issues. Additionally, the applicants provided to the City of North Port Planning and Zoning Division, an application to request a vacation of the platted utility and drainage easement, a Publisher's Affidavit, certification that taxes have been paid, and all requisite documents.

Upon staff review of the Petition and the responses from utility providers (detailed in Section III above), staff finds that this vacation of easement meets the Decision Criteria per Section 2.2.17.B. of the ULDC as the vacation does not:

- (1). Involve land that Is currently occupied by public facilities.
- (2). Necessitate additional easements for future public facilities.
- (3). Impair or eliminates access to any lot of record.
- (4). Adversely impact the existing road network or substantially alter travel patterns.

**Staff concludes that the proposed Petition PVAC-25-04222 is consistent with Chapter 2 of the ULDC.**

## V. RECOMMENDED ACTION

### CITY COMMISSION

#### Recommended Action

Option 1: Approve Resolution No. 2026-R-16 as presented.

#### City Commission Options

Option 1: Approve Resolution No. 2026-R-16 as presented.

- Pros: The vacation of easement request is to allow for the construction of a pool deck between the two lots that were combined under unity of title.
- Cons: The comprehensive staff analysis finds no identifiable drawbacks to the approval of Resolution No. 2026-R-16.

Option 2: Deny Resolution No. 2026-R-16.

- Pros: The easements will remain as platted, consistent with the surrounding properties.
- Cons: The property owners will be unable to construct a pool deck between the two lots that were combined under unity of title.

## VI. EXHIBITS

<b>A.</b>	Warranty Deed and Affidavit
<b>B.</b>	Unity of Title
<b>C.</b>	Notification to Utility Agencies and Responses
<b>D.</b>	Notice of Intent
<b>E.</b>	Certification that all applicable taxes have been paid

## VII. PUBLIC HEARING SCHEDULE

<b>City Commission Public Hearing</b>	<b>March 10, 2025 10:00 AM</b> or as soon thereafter
---	--

RECORDED IN OFFICIAL RECORDS  
INSTRUMENT # 2019098797 2 PG(S)

7/19/2019 3:57 PM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 2400989

Prepared by and Return to Linda Raphial,  
an employee of First International Title, Inc.  
223 Taylor Street, Suite 1120  
Punta Gorda, FL 33950  
File No.: 144844-92

Doc Stamp-Deed: \$2,043.30

**WARRANTY DEED**

This indenture made on July 19, 2019, by **Zwiercan Homes Inc., a Florida Corporation** whose address is: 1075 S. Lavina Street, North Port, FL 34286 hereinafter called the "grantor",

to **Fernando Alcantara Wandekoken and Andreza Sathler, husband and wife**

whose address is: 5617 Rosette Road, North Port, FL 34288

hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Sarasota County, **Florida**, to-wit:

Lot 8, Block 1082, TWENTY THIRD ADDITION TO PORT CHARLOTTE SUBDIVISION, a subdivision according to the Plat thereof, as recorded in Plat Book 14, Page(s) 13, 13A through 13I, inclusive, of the Public Records of Sarasota County, Florida.

Parcel Identification Number: 1145108208

**The land** is not the homestead of the Grantor under the laws and Constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

**Subject to** all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2018.

**In Witness Whereof**, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

Zwiercan Homes Inc.,  
a Florida Corporation

by: [Signature]  
Karolina Zwiercan, Vice President

**Signed, sealed and delivered in our presence:**

[Signature]  
1st Witness Signature  
Print Name: Linda Raphael

[Signature]  
2nd Witness Signature  
Print Name: Robin L. Lindeman

State of Florida  
County of Charlotte

**The Foregoing Instrument Was Acknowledged** before me on this 16 day of July, 2019, by **Karolina Zwiercan, as Vice President of Zwiercan Homes Inc., a Florida Corporation**, who is/are personally known to me or who has/have produced a valid DL as identification.

[Signature]  
Notary Public  
Printed Name: Linda Raphael  
My Commission expires: 11-2-22





MAIL TO: FERNANDO WANDEKOKEN  
5617 ROSETTE RD NORTH PORT-FL.  
34288 Prepared by: Andreza Sathler

**DECLARATION OF UNITY OF TITLE**

IN WITNESS WHEREOF, the property owner(s) executed this instrument in the manner provided by law. Signed in the presence of the identified witnesses on September 11, 2025. PREPARED BY: Andreza Sathler

Marilyn Sathler  
Witness Signature  
MARILDA SATHLER  
Witness Name

Fernando Wandecken  
Property Owner Signature  
FERNANDO WANDEKOKEN  
Property Owner Name

Witness Address 2188 Smyer Ave.  
NORTH PORT, FL 34288

Andreza Sathler  
2<sup>nd</sup> Property Owner Signature

Claudia Sathler  
Witness Signature  
CLAUDIA SATHLER  
Witness Name

Andreza Sathler  
Property Owner Name

Witness Address 2188 Smyer Ave  
NORTH PORT FL 34288

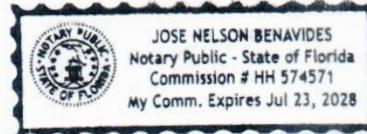
**ACKNOWLEDGEMENT (FOR INDIVIDUAL PROPERTY OWNERS)**

STATE OF FL  
COUNTY OF Charlotte

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 11 day of Sept 2025, by Andreza Sathler and Fernando Wandecken

Notary Public

Personally Known OR  Produced Identification  
Type of Identification Produced DL PL  
Type of Identification Produced DL PL



**ACKNOWLEDGEMENT (FOR INDIVIDUAL PROPERTY OWNERS)**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this \_\_\_ day of \_\_\_\_\_ 20\_\_\_, by \_\_\_\_\_ and \_\_\_\_\_.

Notary

Public  Personally Known OR  Produced Identification  
Type of Identification Produced \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_



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: 12/01/2025

PETITION NO: PVAC-25-04222

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 1082, of the 23RD ADDITION to the Port Charlotte Subdivision, according to Plat thereof recorded in Plat Book 14, Page 13, 13A to 13I of the Public Records of Sarasota County, Florida, also known as street address: 5617 Rosette Road North Port, FL 34291

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

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 12/11/2025 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 Date
Phone No. Name of Utility

Please e-mail responses to ASILVA@NORTHPORTFL.GO'

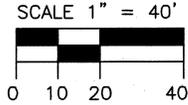
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If you received this in error or do not receive all the pages, please contact Neighborhood Development Services, Planning Division at 941.429.7156.

# Sketch & Description for Partial Release of Easement

This is Not a Boundary Survey

#5617 Rosette Road  
North Port, FL 34291



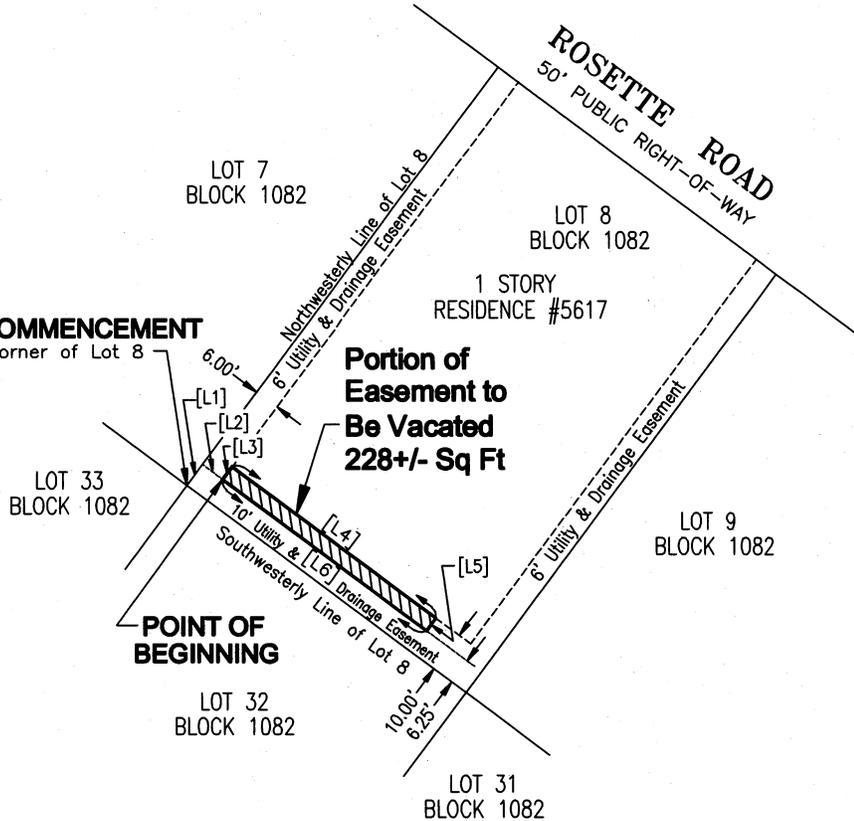
**POINT OF COMMENCEMENT**  
Southwest Corner of Lot 8

**Portion of Easement to Be Vacated**  
228+/- Sq Ft

**LINE DATA**

- [L1] N.36°40'39"E. 6.25'
- [L2] S.53°19'21"E. 6.00'
- [L3] N.36°40'39"E. 3.75'
- [L4] S.53°19'21"E. 60.71'
- [L5] S.36°40'39"W. 3.75'
- [L6] N.53°19'21"W. 60.71'

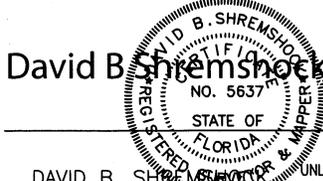
**POINT OF BEGINNING**



**Description**

A portion of a 10 foot wide Utility & Drainage Easement lying over and across the Southwesterly 10' of Lot 8, Block 1082, 23RD Addition To Port Charlotte Subdivision, according to the plat thereof as recorded in Plat Book 14, Pages 13, 13-A through 13-I, inclusive, of the Public Records of Sarasota County, Florida. and being more particularly described as follows:

Commencing at the Southwest corner of said Lot 8; thence N.36°40'39"E. along the Northwesterly line of said Lot 8, a distance of 6.25'; thence S.53°19'21"E., along a line lying 6.25' Northeasterly of and parallel with the Southwesterly line of said Lot 8, a distance of 6.00' to the Point of Beginning; thence N.36°40'39"E. along a line lying 6.00' Southeasterly of and parallel with said Northwesterly line of Lot 8, a distance of 3.75'; thence S.53°19'21"E. along a line lying 10.00' Northeasterly of and parallel with said Southwesterly line of said Lot 8, a distance of 60.71'; thence S.36°40'39"W., a distance of 3.75'; thence, N.53°19'21"W. along said line lying 6.25' Northeasterly of and parallel with the Southwesterly line of Lot 8, a distance of 60.71' the Point Beginning, and containing 228 Square Feet, More or Less.



Digitally signed by David B Shremshock  
Date: 2025.11.03 13:45:04 -05'00'

BY: \_\_\_\_\_ DATE: 11/3/25

DAVID B. SHREMSHOCK  
Registered Surveyor and Mapper  
#5637 State of Florida

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID.

**Shremshock Surveying, Inc.**

Land Surveyors  
5265 Alamos Terr.  
North Port, Florida 34288  
ph. (941) 423-8875 fax (941) 423-4365  
e-mail: shremshocksurveying@comcast.net

SHREMSHOCK SURVEYING, INC. LB #7747



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: 12/17/2025

PETITION NO: PVAC-25-04222

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

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

[checked] 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 12/27/2025 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.

Christopher Plank Digitally signed by Christopher Plank
Date: 2025.12.22 12:26:43 -05'00'

Signature

574-808-8943

Phone No.

12/22/25

Date

Comcast

Name of Utility

Please e-mail responses to ASILVA@NORTHPORTFL.GO'

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VACATION OF EASEMENT

DATE: 12/01/2025

PETITION NO: PVAC-25-04222

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

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Please respond by 12/11/2025 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.

Bradley Brenner Digitally signed by Bradley Brenner
Date: 2025.12.03 11:50:54 -05'00'

Signature

9413509246

Phone No.

12/03/2025

Date

fpl

Name of Utility

Please e-mail responses to ASILVA@NORTHPORTFL.GO'

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

12/1/2025
Date
Frontier Florida LLC
Name of Utility

Please e-mail responses to ASILVA@NORTHPORTFL.GO'

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Peter J. Marietti III, Fire Marshal
Digitally signed by Peter J. Marietti III, Fire Marshal
Date: 2025.12.01 10:47:49 -05'00'
Signature
9441.240.8180
Phone No.

12-1-2025
Date
North Port Fire Rescue District
Name of Utility

Please e-mail responses to ASILVA@NORTHPORTFL.GO'

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VACATION OF EASEMENT

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TO:

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Amerigas
Florida Power and Light
Planning & Zoning

North Port Utilities
Comcast Cable/Truenet Communications Mike Little,
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Michael Vork
Digitally signed by Michael Vork
Date: 2025.12.08 09:03:41 -05'00'
Signature
941-240-8069
Phone No.

12-8-2025
Date
PW ENGINEERING
Name of Utility

Please e-mail responses to ASILVA@NORTHPORTFL.GO'

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[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 12/27/2025 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.: 240.802.1

Date: 12-18-2025
Name of Utility: NP UTILITIES

Please e-mail responses to ASILVA@NORTHPORTFL.GOV

NOTICE: The information contained in this document may be confidential and/or legally privileged information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any copying, dissemination or distribution of confidential or privileged information is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.



NOTICE OF INTENT CITY OF NORTH PORT, SARASOTA COUNTY, FLORIDA

To whom it might concern, Notice is here given pursuant to the provisions of Chapter 177, Florida statutes, that Fernando Alcantara Wandekoken and Andreza Sathler, property owners, intends to petition the city of North Port to vacate a portion of the 10 foot platter, rear drainage, maintenance easement located on lots LOTS 8, 9 & 32 BLK 1082 23RD ADD TO PORT CHARLOTTE, according to Sarasota County Property Appraiser, public records or Sarasota County. All the above lying and being in the City of North Port, Sarasota County, Florida, we are requesting 3.75 feet from the 10 feet platted maintenance easement. Publish: 11/13/25, 11/20/25 395956 3975051

**PUBLISHER’S AFFIDAVIT OF PUBLICATION STATE OF FLORIDA COUNTY OF CHARLOTTE:**

Before the undersigned authority personally appeared Amber Douglas, who on oath says that she is the Legal Advertising Representative of The Daily Sun, a newspaper published at Charlotte Harbor in Charlotte County, Florida; that the attached copy of advertisement, being a Legal Notice that was published in said newspaper in the issue(s)

11/13/25, 11/20/25

as well as being posted online at www.yoursun.com and www.floridapublicnotices.com.

Affiant further says that the said newspaper is a newspaper published at Charlotte Harbor, in said Charlotte County, Florida, and that the said newspaper has heretofore been continuously published in said Charlotte County, Florida, Sarasota County, Florida and DeSoto County, Florida, each day and has been entered as periodicals matter at the post office in Punta Gorda, in said Charlotte County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

(Signature of Affiant)

Sworn and subscribed before me this 20th day of November, 2025

(Signature of Notary Public)



Personally known   X   OR     Produced Identification



Levying Authority	Amount
North Port Fire & Rescue	\$371.98
North Port Solid Waste	\$302.50
North Port Road & Drainage	\$253.16
North Port R&D Capital Improve	\$92.00
	<b>Total Assessments</b>
	\$1,019.64

Total Payable: **\$0.00**

<b>2024</b>			
PAID			
Status	Amount Due	Amount Due If Paid By Date	Paid
● Paid	+\$3,728.28	+\$0.00	\$3,728.28

**Mail Payments to:** Sarasota County Tax Collector, PO BOX 30332 Tampa FL 33630-3332

Payment Details

Year	Date Paid	Receipt Number	Paid
2024	11/30/24	8009841.0001	\$3,728.28