



City of North Port

RESOLUTION NO. 2024-R-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, VACATING A PORTION OF THE REAR MAINTENANCE EASEMENT FOR LOT 2, BLOCK 1604, 32ND 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 July 11, 2024, 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-24-039, as well as testimony and other evidence presented at the quasi-judicial hearing, the City Commission makes the following findings of fact:
 - (a) Christopher Ignacio Silva and Leann Karina Silva own fee simple title to Lot 2, Block 1604, 32nd Addition to Port Charlotte Subdivision;
 - (b) The plat of the Thirty-Second Addition to Port Charlotte Subdivision as recorded in Plat Book 15, pages 16, 16A through 16L, 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 2, Block 1604 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-24-039 to the extent provided in this resolution.

2.02 The City Commission vacates a ±480.00 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 A TWENTY-FOOT-WIDE MAINTENANCE EASEMENT, TO BE RELEASED, LYING OVER, UNDER, AND ACROSS LOT 2, BLOCK 1604, THIRTY-SECOND ADDITION TO PORT CHARLOTTE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 15, PAGES 16, 16A THROUGH 16L, OF THE PUBLIC RECORDS OF SARASOTA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE MOST WESTERLY CORNER OF SAID LOT 2, BLOCK 1604, SAID POINT LYING ON THE NORTHEASTERLY RIGHT OF WAY LINE OF LAMKIN ROAD, A FIFTY-FOOT-WIDE PUBLIC RIGHT OF WAY; THENCE LEAVING SAID RIGHT OF WAY LINE, AND ON THE NORTHWESTERLY LINE OF SAID LOT 2, BLOCK 1604, N.38°15'15"E., 105.00 FEET, TO THE SOUTHWESTERLY LINE OF THE SUBJECT TWENTY-FOOT-WIDE MAINTENANCE EASEMENT; THENCE LEAVING SAID NORTHWESTERLY LOT LINE, AND ON THE SOUTHWESTERLY LINE OF SAID TWENTY-FOOT-WIDE MAINTENANCE EASEMENT, S.51°44'45"E., 16.15 FEET, FOR A POINT OF BEGINNING; THENCE LEAVING SAID SOUTHWESTERLY EASEMENT LINE, N.38°15'15"E., 10.00 FEET; THENCE S.51°44'45"E., 48.00 FEET; THENCE S.38°15'15"W., 10.00 FEET, TO THE SOUTHWESTERLY LINE OF SAID TWENTY-FOOT-WIDE MAINTENANCE EASEMENT; THENCE ON SAID SOUTHWESTERLY

EASEMENT LINE, N.51°44'45"W., 48.00 FEET, TO THE POINT OF BEGINNING,
CONTAINING 480.0 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 September 10, 2024.

CITY OF NORTH PORT, FLORIDA

ALICE WHITE
MAYOR

ATTEST

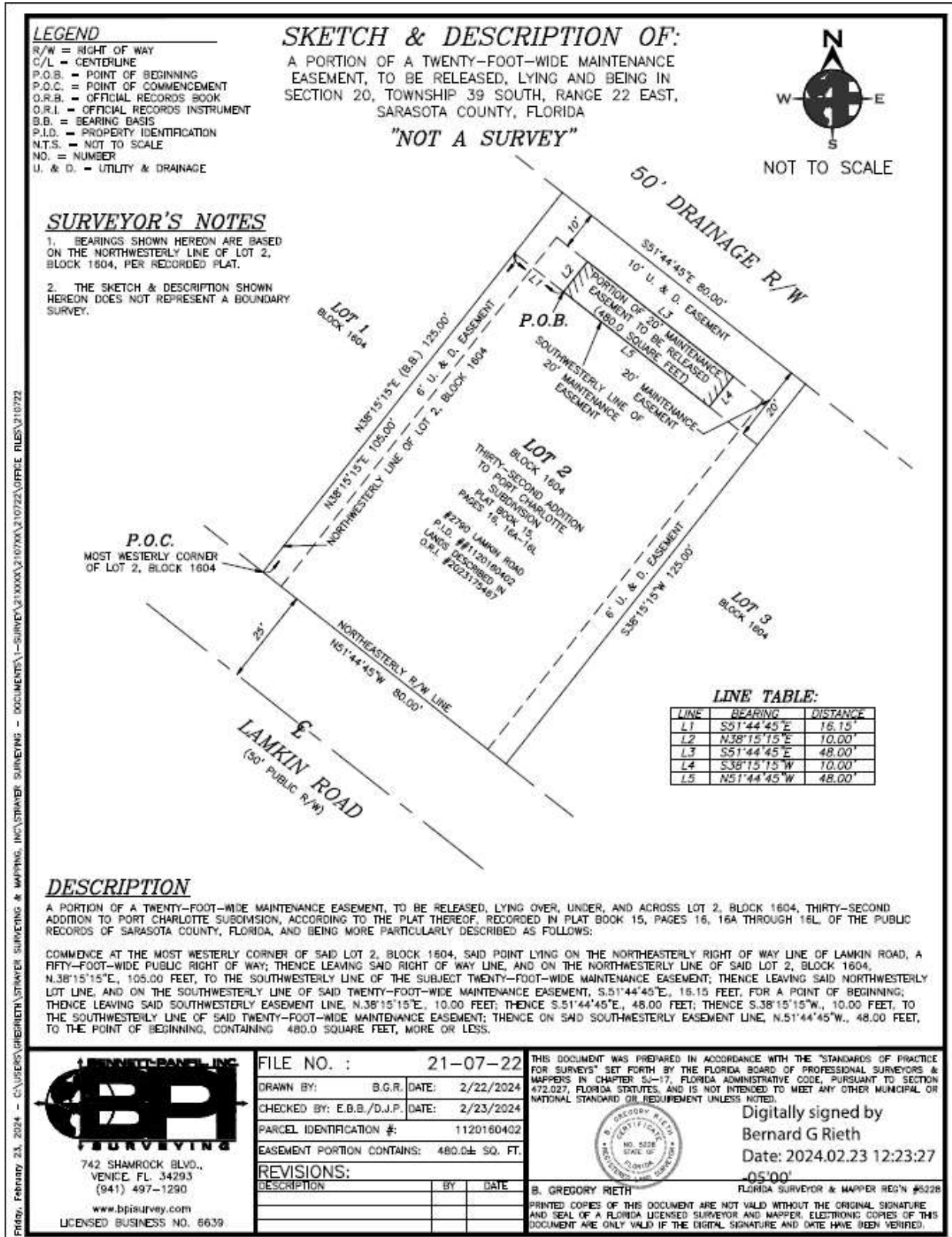
HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY

EXHIBIT A TO RESOLUTION NO. 2024-R-29

Digitally Signed Sketch and Legal Description of Easement



PDR, February 23, 2024 - C:\USERS\GREGORY\STRAVEY SURVEYING & MAPPING, INC.\STRAVEY SURVEYING - DOCUMENTS\1-SURVEY\210707\210722\OFFICE FILES\210722

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 www.bpisurvey.com
 LICENSED BUSINESS NO. 6639

FILE NO. :	21-07-22
DRAWN BY:	B.G.R. DATE: 2/22/2024
CHECKED BY:	E.B.B./D.J.P. DATE: 2/23/2024
PARCEL IDENTIFICATION #:	1120160402
EASEMENT PORTION CONTAINS:	480.0± SQ. FT.
REVISIONS:	
DESCRIPTION	BY DATE

THIS DOCUMENT WAS PREPARED IN ACCORDANCE WITH THE "STANDARDS OF PRACTICE FOR SURVEYS" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 55-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND IS NOT INTENDED TO MEET ANY OTHER MUNICIPAL OR NATIONAL STANDARD OR REQUIREMENT UNLESS NOTED.

Digitally signed by
Bernard G Rieth
 Date: 2024.02.23 12:23:27
 -05'00"

B. GREGORY RIETH
 FLORIDA SURVEYOR & MAPPER REG'N #6228

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