



STAFF REPORT

Vacation of Easement (Petition No. PVAC-26-00468) Resolution No. 2026-R-39

From: Kyle Hoffman, Zoning Coordinator

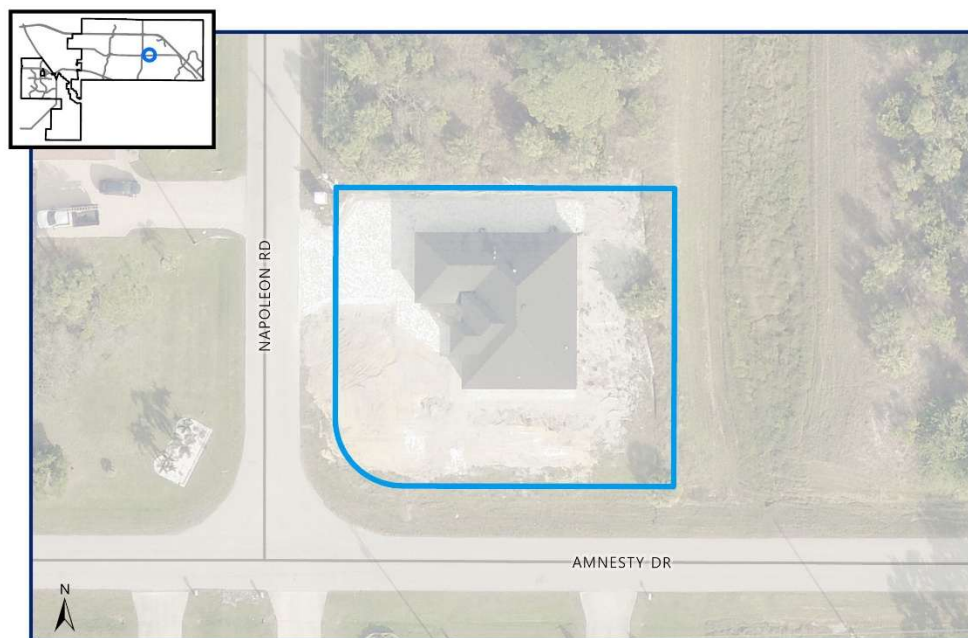
Thru: Lori Barnes, AICP, CPM, Development Services Deputy Director

Thru: Alaina Ray, AICP, Development Services Director

Thru: A. Jerome Fletcher II, ICMA-CM, MPA, City Manager

Date: July 21, 2026

(QUASI-JUDICIAL)



PROJECT:	PVAC-26-00468, Vacation of Easement
REQUEST:	Vacate a portion of the platted rear 20-foot utility and drainage easements (± 206.73 square feet) located at the rear lot line of Lot 1, Block 2393 of the 49th Addition to the Port Charlotte Subdivision.
APPLICANT:	Taina Kucht Trindade (Exhibit A – Affidavit and Warranty Deed)
OWNERS:	Rodrigo Dacosta and Mika Dacosta (Exhibit A – Affidavit and Warranty Deed)
LOCATION:	1104 Napoleon RD, NORTH PORT, FL, PID: 1117239301
PROPERTY SIZE:	± 0.312 acres (13,616 Square Feet)
ZONING:	Residential, Medium (R-2)

I. BACKGROUND

On March 13th, 2026, the Planning & Zoning Division received an application petitioning the City of North Port to grant a portion of vacation for the platted rear 20-foot utility and drainage easements located at the rear of Lot 1, Block 2393 of the 49th Addition to the Port Charlotte Subdivision. The purpose of this vacation of easement request is to allow for the construction of a pool deck. The area to be vacated encompasses approximately 206 square feet and is zoned Residential, Medium (R-2) with a Future Land Use designation of Medium Density Residential (MDR).

II. PROJECT SUMMARY

Rodrigo Dacosta and Mika Dacosta are requesting a vacation of approximately 206.73 square feet of the platted rear 20-foot utility and drainage easement to allow for the construction of a pool deck. The subject lot is adjacent to a platted drainage easement. The ULDC states that platted drainage easements do not activate the waterfront setback. The proposed pool deck shall meet all required setbacks and requirements set forth in the ULDC, to be assessed during the Certificate of Zoning Compliance, required prior to application for a building permit.

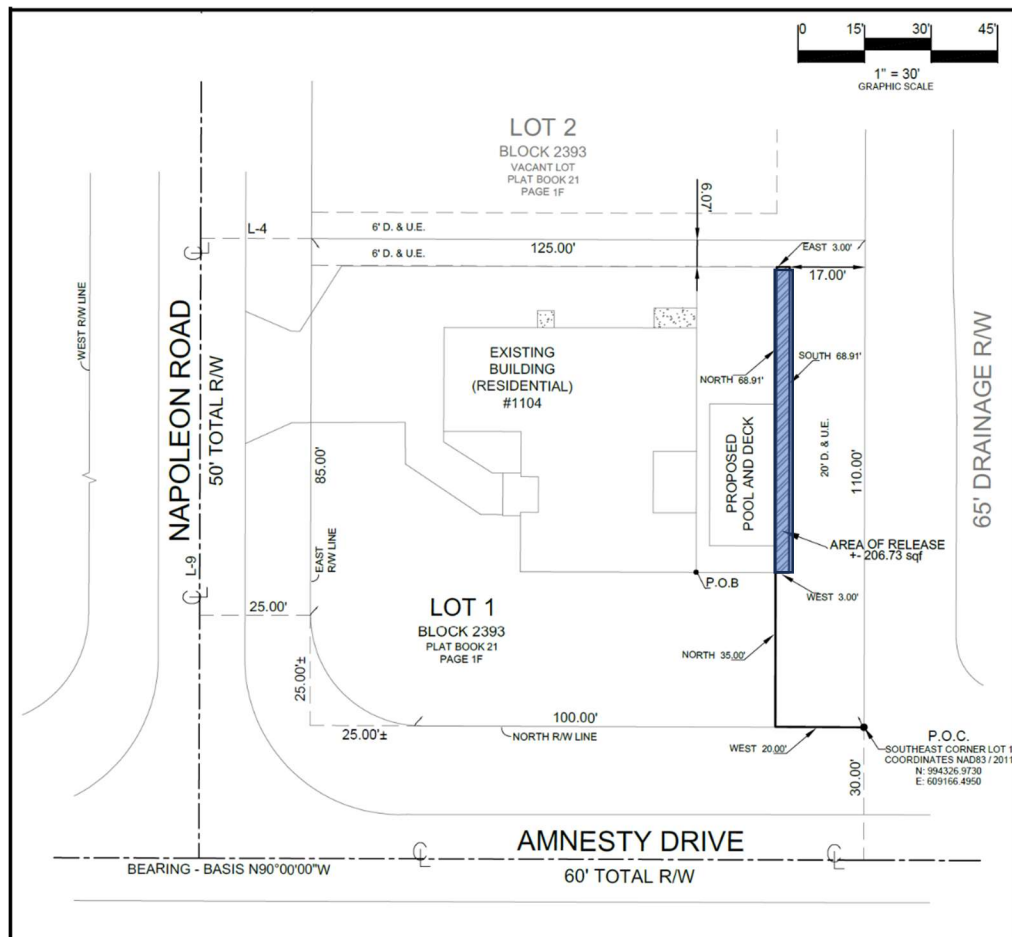


Figure 1. Area of easement to be vacated.

III. REVIEW PROCESS

The following agencies have reviewed the request to vacate a portion of the platted rear 20-foot utility and drainage easement as per ULDC Section 2.2.17.C and, through written response, have granted their approval. (**Exhibit B - Notification to Utility agencies and responses**).

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

Conclusion

Based on the responses received, the request to vacate a portion of the platted rear 20-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-39 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 C - 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 D - 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-26-00468 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 PVAC-26-00468 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-26-00468 is consistent with Chapter 2 of the ULDC.

V. RECOMMENDED ACTION

CITY COMMISSION

Recommended Action

Option 1: Approve Resolution No. 2026-R-39 as presented.

City Commission Options

Option 1: Approve Resolution No. 2026-R-39 as presented.

- Pros: The vacation of easement request is to allow for the construction of a pool deck.
- Cons: The comprehensive staff analysis finds no identifiable drawbacks to the approval of Resolution No. 2026-R-39.

Option 2: Deny Resolution No. 2026-R-39.

- Pros: The easements will remain as platted, consistent with the surrounding properties.
- Cons: The property owners will be unable to construct a pool deck.

VI. EXHIBITS

A.	Warranty Deed and Affidavit
B.	Notification to Utility Agencies and Responses
C.	Notice of Intent
D.	Certification that all applicable taxes have been paid

VII. PUBLIC HEARING SCHEDULE

City Commission Public Hearing	July 21, 2026 10:00 AM or as soon thereafter
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Prepared by and Return to Susie Randazzo,
an employee of First International Title, Inc.
1999 N University Drive Suite 300
Coral Springs, FL 33071
File No.: 197023-27

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2021135780 2 PG(S)

7/22/2021 11:15 AM

KAREN E. RUSHING

CLERK OF THE CIRCUIT COURT

SARASOTA COUNTY, FLORIDA

SIMPLIFILE

Receipt # 2713853

WARRANTY DEED Doc Stamp-Deed: \$136.50

This Indenture made on July 21, 2021, by Paxson, LLC, a Florida Limited Liability Company whose address is: 2240 BAY VILLAGE COURT, PALM BEACH, FL 33410 hereinafter called the "grantor",

to Rodrigo Campos Da Costa and Milka Patricia Da Costa whose address is: 13248 Windcrest Drive, Port Charlotte, FL 33953, 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 1, Block 2393, FORTY-NINTH ADDITION TO PORT CHARLOTTE SUBDIVISION, according to the Plat thereof, recorded in Plat Book 21, Page(s) 1 of the Public Records of Sarasota County, Florida.

Parcel Identification Number: 1117239301

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 2020.

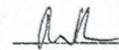
In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

Paxson LLC, a Florida limited liability company



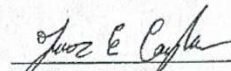
Deven W. Paxson
President

Signed, sealed and delivered in our presence:



1st Witness Signature

Print Name: Dylan Ryan



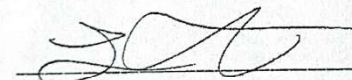
2nd Witness Signature

Print Name: Thomas E. Connelley

State of FLORIDA

County of Palm Beach

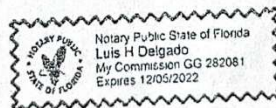
The Foregoing Instrument Was Acknowledged before me by means of ☒ physical presence or
() online notarization on 07/28/2021 by Paxson, LLC, who Deven W. Paxson, President is/are personally
known to me or who ☒ has/have produced a valid FL Drivers as
identification.



Notary Public

Printed Name:

My Commission expires:



AGENT/APPLICANT'S AFFIDAVIT

**STATE OF FLORIDA
COUNTY OF SARASOTA
CITY OF NORTH PORT**

BEFORE ME, the undersigned authority personally appeared Taina Kucht Trindade,
who being by me first duly sworn on oath, deposes and says:

1. That he/she Affirms and Certifies that he/she understands and will comply with all Ordinances, Regulations, and Provisions of the City of North Port, and that all statements and diagrams submitted herewith and attached hereto, are true and accurate to the best of their knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the City of North Port, Florida, and are **Not Returnable**.
2. That he/she desires Vacation of Easement approval for the use of property as proposed, for the property legally described on this Application.
3. That the submittal requirements for this Application, which are attached hereto, have been completed and attached hereto as part of this Application.

(Agent/Applicant's Signature)

**STATE OF FLORIDA
COUNTY OF Polk**

The foregoing instrument was acknowledged before me this 16 day of February, 2026, by
Taina Kucht Trindade, who is personally known to me or who has
produced Florida Driver License as identification.

(SEAL)



Andrea Pagan Beltran

Notary Public (Signature)

Andrea Pagan Beltran
Print or type Notary Name

Commission (serial) Number HH 614505

My Commission Expires: 11/20/2028



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: 3/26/2026

PETITION NO: PVAC-26-00468

TO:

North Port Public Works

Amerigas

Florida Power and Light

Planning & Zoning

North Port Utilities

Comcast Cable/TruNet 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 1, Block 2393, of the 49th ADDITION to the Port Charlotte Subdivision, according to Plat
thereof recorded in Plat Book 21, Page 1, of the Public Records of Sarasota County, Florida,
also known as street address: 1104 Napoleon Road North Port, FL 34288.

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 4/3/2026 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.

Stephen A Waidley

Signature

(941) 266-9218

Phone No.

Digitally signed by Stephen A Waidley
DN: cn=Stephen A Waidley, o=City of North Port, ou=City of North Port, email=Stephen.A.Waidley@northportfl.gov, c=US

4/14/2026

Date

Frontier Florida LLC

Name of Utility

Please e-mail responses to khoffman@northportfl.gov

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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.



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Nicholas Dirime

Signature

941-202-8006

Phone No.

03/26/26

Date

FLORIDA POWER AND LIGHT

Name of Utility

Please e-mail responses to khoffman@northportfl.gov

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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.



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

Before the undersigned authority personally appeared Jill Kelli Di Benedetto, 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)

02/20/26, 02/27/26

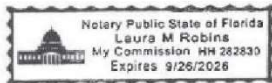
as well as being posted online at www.yoursun.com and www.floridapublicnotices.com.

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 27th day of
February, 2026

(Signature of Notary Public)



Personally known ☒ OR ☐ Produced Identification

**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 Rodrigo Campos da Costa and Patricia Milka da Costa, property owners of 1104 Napoleon Rd, intends to petition the city of North Port to vacate a portion of the 20 foot platter, rear drainage, maintenance easement located on lots LOT 1 BLK 2393 49TH ADD TO PORT CHARLOTTE, according to Sarasota County Property Appraiser, public records of Sarasota County. All the above lying and being in the City of North Port, Sarasota County, Florida, we are requesting 3 feet from the 20 feet platted maintenance easement.
Publish: 02/20/26, 02/27/26
395956 3983091

Exhibit D

 The information on this page is not a title search and should not be used as one.

 Return

 Print Record

Notice of Ad Valorem Taxes and Non-ad Valorem Assessments

Account Number:
1117239301
Tax Year:
2025

Tax Type:
Real Estate
Property Address:
1104 Napoleon Rd 005

Mailing Address:
Dacosta Rodrigo Campos
Dacosta Milka Patricia
13248 Windcrest Dr Port Charlotte Fl
33953-3207

Exemption Detail:
N/A

Millage Code:
0500

Escrow Code:
N/A

Legal Description:
LOT 1 BLK 2393 49TH ADD TO PORT CHARLOTTE

Ad Valorem Taxes

Taxing Authority	Millage Rate	Assessed Value	Exemption Amount	Taxable Value	Taxes Levied
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Sarasota Co. General Revenue	3.2273	\$21,200.00	\$0.00	\$21,200.00	\$68.42
Bonds-Debt Service	0.0667	\$21,200.00	\$0.00	\$21,200.00	\$1.41
Sarasota Co. Legacy Trl	0.0382	\$21,200.00	\$0.00	\$21,200.00	\$0.81
Mosquito Control	0.0520	\$21,200.00	\$0.00	\$21,200.00	\$1.10
Sarasota Co. Hospital Dist.	1.0420	\$21,200.00	\$0.00	\$21,200.00	\$22.09
SW FL Water Management Dist.	0.1831	\$21,200.00	\$0.00	\$21,200.00	\$3.88
West Coast Inland Navigation	0.0394	\$21,200.00	\$0.00	\$21,200.00	\$0.84
School Board - State	2.8470	\$21,200.00	\$0.00	\$21,200.00	\$60.36

Exhibit D

School Board - Local	3.2480	\$21,200.00	\$0.00	\$21,200.00	\$68.86
City of North Port	3.7667	\$21,200.00	\$0.00	\$21,200.00	\$79.85
	Total Millage 14.5104				Total Taxes \$307.62

Non-Ad Valorem Assessments

Levying Authority	Amount
North Port Fire & Rescue	\$187.28
North Port Road & Drainage	\$291.09
North Port R&D Capital Improve	\$46.00
	Total Assessments \$524.37

Total Payable: \$0.00

2025 PAID			
Status	Amount Due	Amount Due If Paid By Date	Paid
● Paid	⊕ \$798.71	⊕ \$0.00	\$798.71

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

Payment Details

Year	Date Paid	Receipt Number	Paid
2025	11/20/25	2008044.0002	\$798.71