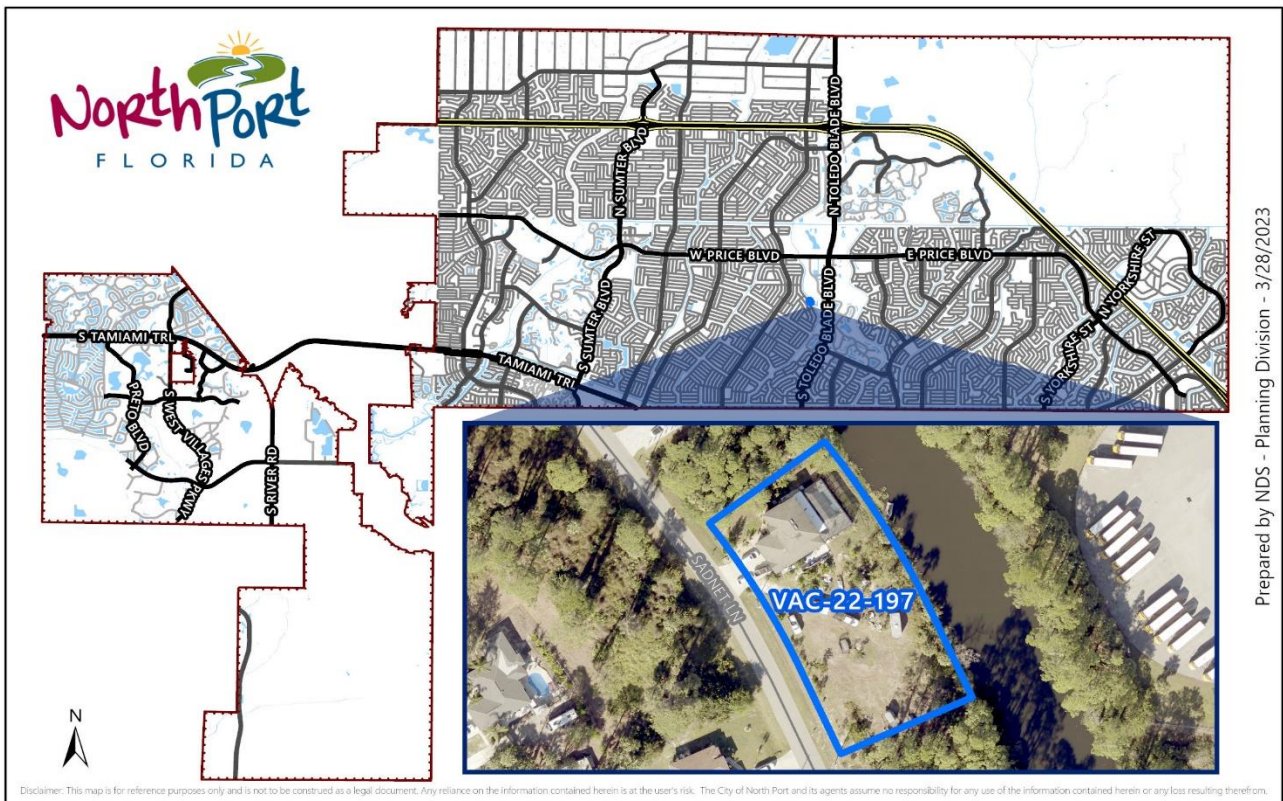


2296 Sadnet Lane

Vacation of a Portion of the Platted Rear Easement
(Petition No. VAC-22-197)
Resolution No. 2023-R-XX

- From:** Carl Bengel, AICP, Planner III
- Thru:** Lori Barnes, AICP, CPM, Planning & Zoning Division Manager
- Thru:** Alaina Ray, AICP, Neighborhood Development Services Director
- Thru:** Jason Yarborough, ICMA-CM, Assistant City Manager
- Thru:** A. Jerome Fletcher II, ICMA-CM, MPA, City Manager
- Date:** April 6, 2023



Prepared by NDS - Planning Division - 3/28/2023

PROJECT:	Sadnet Lane partial vacation of the platted rear easement, VAC-22-197
REQUEST:	Vacate a portion of the platted rear (20) twenty-foot utility and drainage easement to allow a pool deck, and cage to remain.
APPLICANT:	Hans Menzer of Flamingo Pool & work, Inc., on behalf of Daniel and Cynthia Mora, Property Owners (Exhibit A, Affidavit)
OWNERS:	Daniel and Cynthia Mora (Exhibit B, Warranty Deed)
LOCATION:	2296 Sadnet Lane, Lot 16, (PID# 0985-02-4816)
PROPERTY SIZE:	± 0.728 acres (31,692 square feet)

I. BACKGROUND

Hanz Menzer of Flamingo Pools & Spa, Inc., on behalf of the property owners Daniel and Cynthia Mora, has submitted a petition to the City of North Port requesting a partial vacation of the platted rear 20-foot utility and drainage easement located on Lot 16, Block 248, 8th Addition to Port Charlotte Subdivision. The applicants constructed a pool that meets the setback requirements but encroaches into the rear easement. The purpose of the vacation request is to allow the newly constructed pool deck and cage to remain in their current location. The applicant requests that approximately 13.2 square feet of the easement be vacated (**Figure 1**). The City received the Vacation application on September 14, 2022.

The subject property is zoned Residential Single-Family (RSF-2) with a Future Land Use Designation of Low-Density Residential.

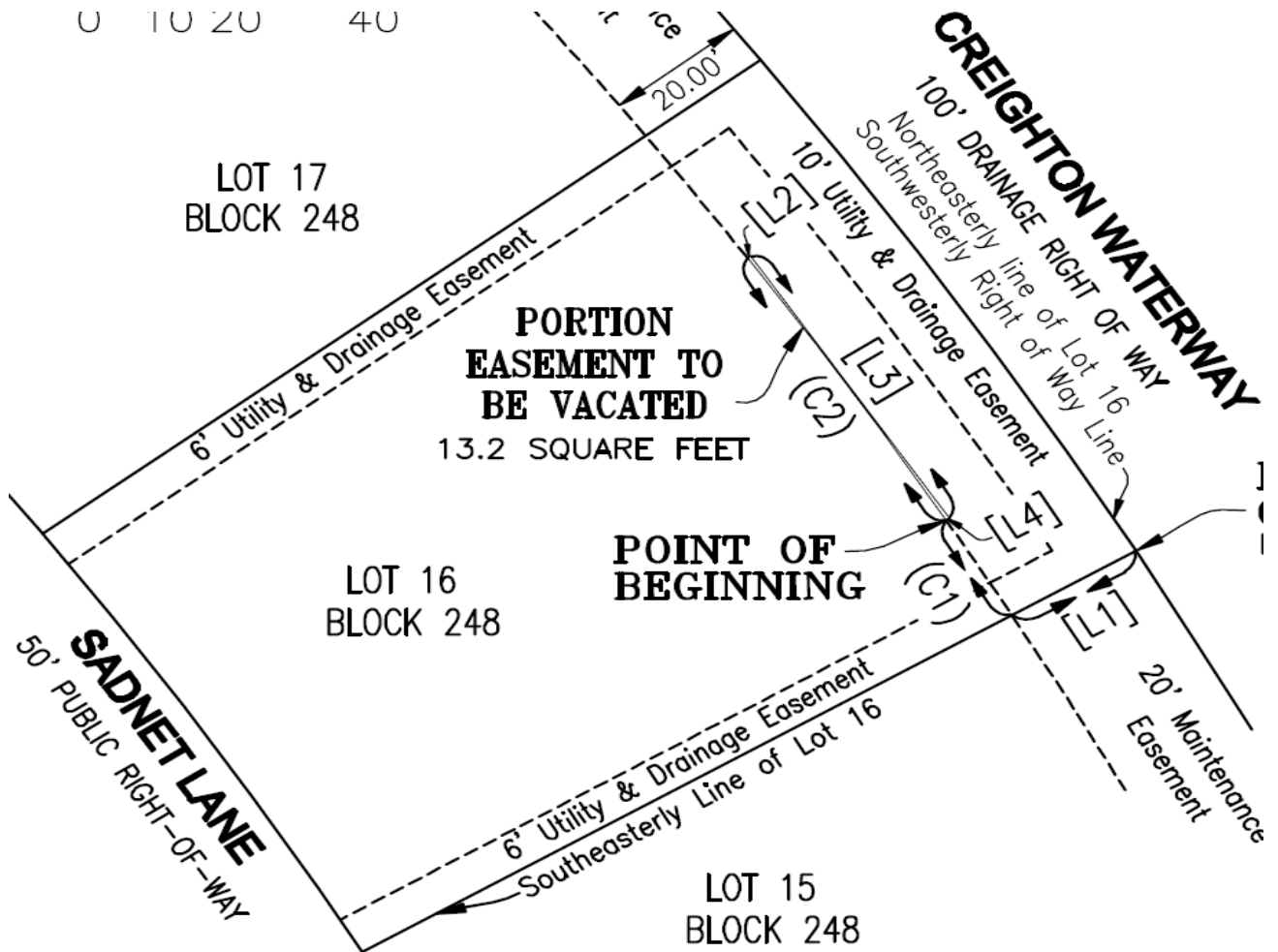


Figure 1 Easement area to be vacated

II. PROJECT SUMMARY

The applicant Hans Menzer on behalf of the property owners Daniel and Cynthia Mora is requesting to vacate a portion of the platted rear 20-foot utility and drainage easement to allow a newly constructed pool deck and cage to remain. Based on the Vacation of Easement (VOE) survey dated January 26, 2023, the pool area is currently encroaching approximately 6 inches on the rear two corners and 1.2 inches at the center point into the easement.

The site plans provided with the building permit numbers 21-4208 (pool & deck) and 21-6996 (pool cage) indicated the pool and deck did not encroach into the easement and met the minimum setback of 20 feet. Both permits were approved and issued (**Figure 2**). Subsequently, the as-built surveys submitted to finalize the permits found that the pool was located inside the 20-foot rear maintenance easement.

The pool permits can only be closed once the easement encroachment is resolved.

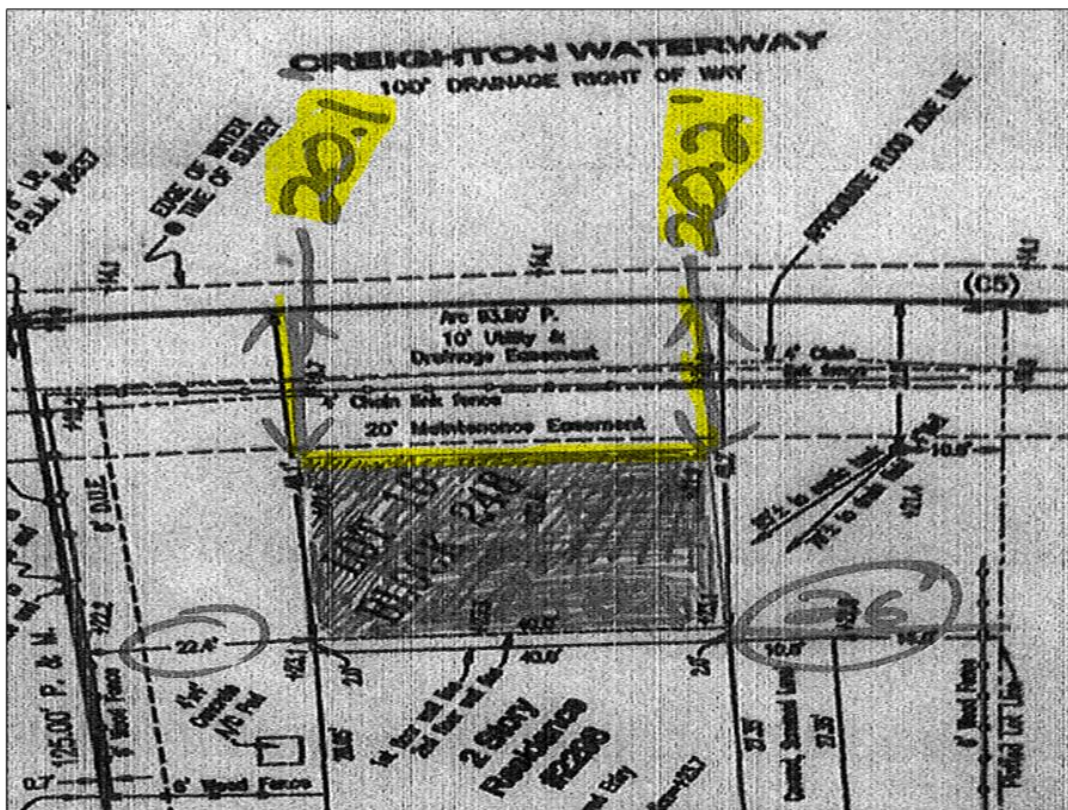


Figure 2 – Site Plan approved with pool and pool cage permit

III. REVIEW PROCESS

The following agencies¹ have reviewed the request to vacate the portion of the platted rear 20-foot maintenance easement and, through written response, have granted their approval. No issues or concerns were raised regarding the request (**Exhibit C**).

Utility Agency	Response
Amerigas	Is granted ²
Comcast/Truenet Communications	Is granted ³
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

Based on the responses received, the request to vacate a portion of the rear 20-foot maintenance 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 area.
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.

¹ The recorded plat for the Eighth Addition to Port Charlotte Subdivision General Notes states, “*A 20-foot strip along the lots lines abutting and adjacent to the waterways and drainage rights of way...”. “The easements hereinafter described are reserved to said Corporation, its successors or assigns, for the installation and maintenance of public utilities and drainage facilities.*...” Since the easement language includes public utilities, all agencies were notified of the request to vacate.

² Amerigas was provided notification on January 30, 2023, with a deadline of February 9, 2023. As per policy, if after (10) days, a response is not received, it will be assumed there is no issue with the vacation of easement request.

³ Comcast/Truenet Communications was provided notification on January 30, 2023, with a deadline of February 9, 2023. As per policy, if after (10) days, a response is not received, it will be assumed there is no issue with the vacation of easement request.

IV. LEGAL REVIEW

The accompanying Resolution No. 2023-R-30 has been reviewed and approved by the City Attorney as to form and correctness.

V. DATA & ANALYSIS

FLORIDA STATUTES CHAPTER 177

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 warranty deed provided to the City as a part of the application establishes that the applicant owns the fee simple title of the subject property. Based on staff review as well as due-diligence correspondence with utility agencies (detailed as a part of Section II and III of this document), it is also determined that the vacation of easements does not affect the ownership or right of convenient access of persons owning any other parts of the subdivision. The property owner filed a notice of intent to apply to the City of North Port to vacate the plat by publishing a legal notice in the North Port Sun newspaper for two weekly issues, **(Exhibit D)** and in addition, provided to the City of North Port Planning & Zoning Division an application to request a vacation of platted easements, proof of said publication, together with proof that taxes have been paid **(Exhibit E)**.

Staff concludes that Petition VAC-22-197 is consistent with the Florida Statutes.

CHAPTER 53 ZONING REGULATIONS

The Unified Land Development Code (ULDC) contains regulations that govern the development and use of land within the incorporated area of the City of North Port, Florida. Chapter 53 of the ULDC, Part 4. Administrative Provisions, Article XXIII. Administration and Enforcement, Sec. 53-267D. allows for a vacation of platted easements provided that platted easements shall be vacated in accordance with Florida Statutes Chapter 177.

Findings & Conclusion: Staff reviewed the Petition VAC-22-193 relative to ULDC Chapter 53 Zoning Regulations. 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 to vacate the plat by publishing a legal notice in the North Port Sun newspaper for two weekly issues and in addition provided to the City of North Port Planning & Zoning Division an application to request a vacation of platted easements, proof of said publication, together with proof that taxes have been paid.

Staff concludes that the proposed Petition VAC-22-197 is consistent with Chapter 53 of the ULDC.

VI. PUBLIC HEARINGS

Planning & Zoning Advisory Board Public Hearing	April 6, 2023 9:00 AM or as soon thereafter
City Commission Public Hearing	April 25, 2023 6:00 PM or as soon thereafter

VII. RECOMMENDED MOTIONS

The Planning & Zoning Division recommends that the Planning and Zoning Advisory approve Petition Number VAC-22-197 via Resolution No. 2023-R-30 and recommend motion as follows:

I move to find Petition No. VAC-22-197, the Creighton Waterway Vacation, consistent with the City of North Port Comprehensive Plan based on the competent substantial evidence as presented and recommend the City Commission Approve Resolution No. 2023-R-30.

If the motion is to deny:

I move to find Petition No. VAC-22-197, the Creighton Waterway Vacation, inconsistent with the City of North Port Comprehensive Plan based on the competent substantial evidence as presented and recommend the City Commission deny Resolution No. 2023-R-30.

VIII. ALTERNATIVE ACTIONS

City Commission may deny Petition VAC-22-197. New findings would need to be written to support that recommendation if that were the case. In addition, the property owners would be required to remove the pool deck and cage portion, so it no longer encroaches into the rear 20-foot easement.

IX. EXHIBITS

Exhibits
A. Affidavit
B. Warranty Deed
C. Notification to Utility Agencies and Responses
D. Notice of Intent
E. Proof that All Applicable Taxes Have Been Paid

AFFIDAVIT

I (the undersigned), Hans Menzer being first duly sworn, depose and say that I am the owner, attorney, attorney-in-fact, agent, lessee or representative of the owner of the property described and which is the subject matter of the proposed application; that all answers to the questions in this application, and all sketches, data and other supplementary matter attached to and made a part of the application are honest and accurate to the best of my knowledge and belief. I understand this application must be complete and accurate before the application can be processed or hearing can be advertised, and that I am authorized to sign the application by the owner or owners. I authorize City of North Port staff and agents to visit the site as necessary for proper review of this application. *If there are any special conditions such as locked gates, restricted hours, guard dogs, etc., please provide the name and telephone number of the individual who can allow access.*

Sworn and subscribed before me this 25 day of August, 2022

Hans Menzer
Signature of Applicant or Authorized Agent President, Flamingo Pool & Spa, Inc
Print Name and Title

STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 25 day of August, 2022, by Hans G Menzer III who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public



**AFFIDAVIT
AUTHORIZATION FOR AGENT/APPLICANT**

I, CYNTHIA MORA, property owner, hereby authorize Hans Menzer - Flamingo Pool & Spa, Inc. to act as Agent on our behalf to apply for this application on the property described as (legal description) 22916 Sadnet Ln

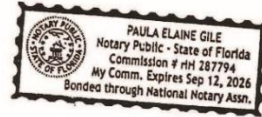
North Port, FL 34286
Date 8/29/22

STATE OF Florida COUNTY OF Sarasota

The foregoing instrument was acknowledged by me this 30th day of August, 2022, by Cynthia Mora who is personally known to me or has produced _____ as identification.

[Signature]
Signature - Notary Public

(Place Notary Seal Below)



Revised 8-30-19 (Reviewed by CAO)

Exhibit B for VAC-22-197

\$ 10.00
\$ 1586.90

RECORDED IN OFFICIAL RECORDS
INSTRUMENT # 2007022007 1 PG
2007 FEB 08 03:03 PM
KAREN E. RUSHING
CLERK OF THE CIRCUIT COURT
SARASOTA COUNTY, FLORIDA
KONESS Receipt #88270B

Return to: ✓ McKinley, Itersagen, Gunderson & Berntson, P.A.
Name: 21175 Olean Blvd.
Address: Fort Charlotte, Florida 33952
This instrument Prepared by:
Maronda Homes, Inc. of Florida
5902 Breckenridge Parkway, Suite B
Tampa, Florida 33610
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Doc Stamp-Deed: 1,586.90

Property Appraisers Parcel I.D. (Folio) Number(s):
0985-02-4816
Grantee(s) S.S.#(s):
File No: 20070067



SPECIAL WARRANTY DEED
(CORPORATE)

This Special Warranty Deed Made the 31 day of January, 2007, by **MARONDA HOMES, INC. OF FLORIDA**, a corporation existing under the laws of Florida, and having its place of business at 5902 Breckenridge Parkway, Suite B, Tampa, Florida 33610, hereinafter called the grantor,

to **DANIEL MORA and CYNTHIA MORA, husband and wife**, whose post office address is: 2235 Yalta Terrace, North Port, Florida 34286, hereinafter called the grantee,

WITNESSETH: That grantor, for and in consideration of the sum of \$10.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto grantee, all that certain land situate in Charlotte County, Florida, viz:

Lot 16, Block 248, EIGHTH ADDITION TO PORT CHARLOTTE SUBDIVISION, according to the Plat thereof as recorded in Plat Book 12, Pages 20, 20A through 20Z, inclusive, of the current Public Records of Sarasota County, Florida.

Subject to restrictions, reservations and easements of record, if any, and taxes for the year 2006 and subsequent years.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever.

GRANTOR'S WILL WARRANT and forever defend the right and title to the above-described real property unto the Grantees against the claims of all person, claiming by, through or under Grantor's, but not otherwise. (Wherever used herein the terms "grantor" and "grantee" includes all the parties to this instrument, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation.)

IN WITNESS WHEREOF, the grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Signature: [Signature] MARONDA HOMES, INC. OF FLORIDA
Printed Name: MARONDA HOMES, INC.
Witness Signature: [Signature] BY: [Signature]
Printed Name: John Williams, as Vice President

STATE OF FLORIDA
COUNTY OF CHARLOTTE

The foregoing instrument was acknowledged before me this 24 day of Jan, 2007 by John Williams as Vice President of Maronda Homes, Inc. of Florida, on behalf of the corporation. He/she is personally known to me or who has produced driver license(s) as identification.

My Commission Expires: 10/30/09

[Signature]
Printed Name: Marjorie Attridge
Notary Public
Serial Number



Exhibit C for VAC-22-197

Exhibit C for VAC-22-197



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: January 30, 2023

PETITION NO: VAC-22-197

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 16, Block 248, of the 8th Addition to the Port Charlotte Subdivision, according to Plat thereof recorded in Plat Book 12, Page 20, 20A-20Z2, of the Public Records of Sarasota County, Florida, also known as street address: 2296 Sadnet Lane

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

[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 02/9/2023 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.

Peter J. Marietti III Digitally signed by Peter J. Marietti III
Date: 2023.01.31 16:24:09 -05'00'

Signature
941.240.8180

Phone No.

1/31/2023

Date

North Port Fire Rescue District

Name of Utility

Please email responses to cbenge@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.

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



City of North Port
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VACATION OF EASEMENT

DATE: January 30, 2023

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Signature: [Handwritten Signature]
(941) 423-4888
Phone No.

Date: 1/30/2023
Name of Utility: Florida Power & Light

Please email responses to cbenge@northportfl.gov

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VACATION OF EASEMENT

DATE: January 30, 2023

PETITION NO: VAC-22-197

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 02/9/2023 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 Digitally signed by Stephen A. Waidley
Date: 2023.01.31 09:11:46 -05'00'
Signature
(941) 266-9218
Phone No.

1/31/2023
Date
Frontier Florida LLC
Name of Utility

Please email responses to cbenge@northportfl.gov

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Exhibit C for VAC-22-197



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VACATION OF EASEMENT

DATE: January 30, 2023

PETITION NO: VAC-22-197

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 02/9/2023 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.

Tony Payne
Signature

01/31/2023
Date

Phone No.

NPPW
Name of Utility

Please email responses to cbenge@northportfl.gov

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Exhibit C for VAC-22-197



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VACATION OF EASEMENT

DATE: January 30, 2023

PETITION NO: VAC-22-197

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 02/9/2023 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.:

Date: 01-30-23
Name of Utility: NP UTILITIES

Please email responses to cbenge@northportfl.gov

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



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

Before the undersigned authority personally appeared Melinda Prescott, 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)

03/23/23

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.

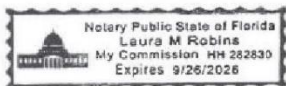
Melinda Prescott

(Signature of Affiant)

Sworn and subscribed before me this 23rd day of March, 2023

Laura M Robins

(Signature of Notary Public)



Personally known OR Produced Identification

Notice is hereby given pursuant to the provisions of Section 177.101 (4) Florida Statutes, that Daniel & Cynthia Mora, the property owners intent to petition the City of North Port to vacate 13.2 square feet of rear easement for Lot 16, Block 248, Eighth Addition to Port Charlotte Subdivision lying in Section 25, Township 39S, Range 21E, as recorded in Plat Book 12, Pages 20 & 20-A through 20-Z-2, inclusive of public records of Sarasota County, FL. All of the above lying and being in the City of North Port, Sarasota County, Florida. VAC-22-197 will be scheduled for the April 6, 2023 Planning and Zoning Advisory Board (PZAB) and the April 25, 2023 City Commission Meeting. Publish: 03/23/23 434644 3885698

Exhibit E for VAC-22-197

Account Number		Type Tax	Tax Year		
0985024816		REAL ESTATE	2022		
Mailing Address MORA DANIEL MORA CYNTHIA 2296 SADNET LN NORTH PORT FL 34286-0717		Property Address 2296 SADNET LN 005 Old Account Number 0985-02-4816			
Base Exempt Amount		Taxable Value			
see below		see below			
Exemption Detail HX 25000 H2 25000		Millage Code 0500	Escrow Code 380000		
Legal Description 2296 SADNET LN LOTS 14, 15 & 16, BLK 248, 8TH ADD TO PORT CHARLOTTE, BEING SAME LANDS AS DESC IN ORI 2007022007, 2019125087 & 2019135932					
Ad Valorem Taxes					
Taxing Authority	Rate	Assessed Value	Exemption Amount	Taxable Value	Taxes Levied
Sarasota Co. General Revenue	3.2497	204,293	50,000	\$154,293	\$501.41
Mosquito Control	0.0500	204,293	50,000	\$154,293	\$7.71
Sarasota Co. Hospital Dist.	1.0420	204,293	50,000	\$154,293	\$160.77
West Coast Inland Navigation	0.0394	204,293	50,000	\$154,293	\$6.08
SW FL Water Management Dist.	0.2260	204,293	50,000	\$154,293	\$34.87
Bonds-Debt Service	0.0915	204,293	50,000	\$154,293	\$14.12
Sarasota Co. Legacy Trl	0.0551	204,293	50,000	\$154,293	\$8.50
Sarasota School Board					
School Board - State	3.0240	204,293	25,000	\$179,293	\$542.18
School Board - Local	3.2480	204,293	25,000	\$179,293	\$582.34
City of North Port	3.7667	204,293	50,000	\$154,293	\$581.18
Total Millage		14.7924	Total Taxes		\$2,439.16
Non-Ad Valorem Assessments					
Code	Levying Authority	Amount			
F093	North Port Fire & Rescue	\$392.23			
G071	North Port Solid Waste	\$250.00			
R097	North Port Road & Drainage	\$173.28			
R197	North Port R&D Capital Improve	\$138.00			
Total Assessments				\$953.51	
Taxes & Assessments				\$3,392.67	
If Paid By		Amount Due			
		\$0.00			
Date Paid	Transaction	Receipt	Item	Amount Paid	
11/21/2022	PAYMENT	8001925.0001	2022	\$3,256.96	
Prior Year Taxes Due					
NO DELINQUENT TAXES					