

DESOTO COUNTY, FLORIDA

RESOLUTION NO. 2024 - ____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, GRANTING TO THE OWNERS, ALBERT AND JOAN HOFF, A MINOR SUBDIVISION PLAT APPROVAL WITH CONDITIONS OF “NEVERSAIL ACRES SUBDIVISION” FOR RECORDATION IN THE AGRICULTURAL 5 (A-5) ZONING DISTRICT THAT WOULD SUBDIVIDE THE PARENT PROPERTY INTO TWO (2) PARCELS FOR PROPERTY GENERALLY LOCATED AT 2742 SW NEVERSAIL STREET, ARCADIA, THE PROPERTY IDENTIFICATION NUMBER BEING 26-38-24-0000-0024-0000 AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Albert and Joan Hoff (the “Owners”) are the owners of a 10 acre parcel identified as parcel 4 of “Thomas Subdivision”, recorded in Plat Book 1, Page 52, with parcel id 26-38-24-0000-0024-0000, and located generally on the north side of SW Neversail Street (Exhibit A); and

WHEREAS, on July 9, 2024, the Owners filed a Minor Subdivision Plat for Recordation application and fee with the Development Department for the above described property; and

WHEREAS, the application proposes to subdivide the parent property into a total of two (2) parcels as more particularly set forth in the application; and

WHEREAS, the Future Land Use Map designation for the subject property is Neighborhood Mixed Use, and the property is zoned Agricultural 5 (A-5) district on the Official Zoning District Atlas; and

WHEREAS, the Development Department has prepared a Development Department Report concluding the application is in conformance with the applicable provisions of the Code of Ordinances, the LDRs, the DeSoto County Comprehensive Plan and Future Land Use Map; and

WHEREAS, the DeSoto County Board of County Commissioners, having considered the Development Department Report and public comment at the December 17, 2024, Board meeting, concludes the application is in conformance with all applicable requirements provided the recommended conditions of approval are imposed; and

WHEREAS, the Board finds that approval of this Resolution is in the best interest of the residents of DeSoto County, Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA, AS FOLLOWS:

Section 1. The foregoing “WHEREAS” clauses and the Development Department Report are hereby incorporated by reference as part of this Resolution and are ratified and confirmed as being true and correct.

Section 2. The Board of County Commissioners hereby grants to the Owners, Albert and Joan Hoff, approval of the Neversail Acres Subdivision Minor Plat application (PLAT-0173-2024), attached herein as Exhibit B, subject to the following conditions:

1. Following approval by the Board of County Commissioners, the property owner is required to record the plat with the DeSoto County Clerk of Courts within 5 business days, and to provide the Development Director those documents identified in Section 20-256(3) of the LDRs.
2. The site has potential wetlands and is subject to permitting by State agencies prior to any building permits being issued.
3. All driveways shall be designed and constructed pursuant to the standards in Article XIII, Divisions 3 and 4, of the Land Development Regulations and the County Engineering Standard Details Manual prior to any building permits being issued.
4. Prior to commencement of any work within the County right-of-way the property owner shall obtain a Right-of-Way permit from the Engineering Division.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 17th day of December, 2024.

ATTEST: **BOARD OF COUNTY COMMISSIONERS OF DESOTO COUNTY, FLORIDA**

By: _____
Mandy Hines
County Administrator

By: _____
J.C. Deriso,
Chairman

Approved as to form and legal sufficiency:

By: _____
Valerie Vicente,
County Attorney

Exhibit A

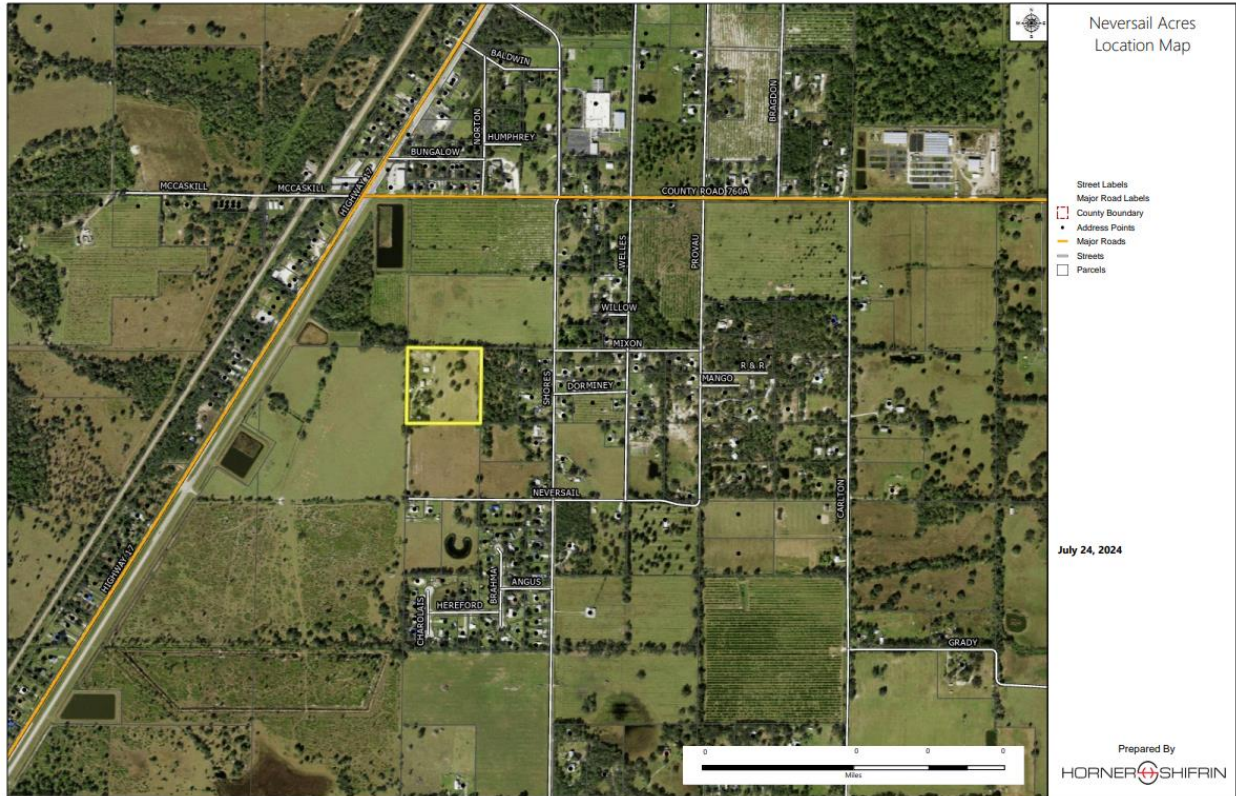


Exhibit B

NEVERSAIL ACRES SUBDIVISION

BEING A REPLAT OF PARCEL 4, THOMAS SUBDIVISION,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN MINOR
PLAT BOOK 1, PAGE 52, OF THE PUBLIC RECORDS OF DESOTO
COUNTY, FLORIDA LYING IN SECTION 26, TOWNSHIP 38
SOUTH RANGE 24 EAST, DESOTO COUNTY, FLORIDA

CERTIFICATE OF OWNERSHIP AND DEDICATION:

STATE OF FLORIDA
COUNTY OF DESOTO
ALBERT PERRY HOFF AND JOAN L. HOFF, HUSBAND AND WIFE, CERTIFY THEY ARE THE OWNERS OF ALL THE PROPERTY WITHIN THIS PLAT OF NEVERSAIL ACRES SUBDIVISION AS SHOWN AND DESCRIBED HEREIN, AND DO HEREBY DEDICATE AND SET APART ALL OF THE EASEMENTS SHOWN AND DESCRIBED ON THIS PLAT FOR SAID USES AND PURPOSES TO THE PRESENT OWNERS OF NEVERSAIL ACRES SUBDIVISION, THEIR SUCCESSORS, AND TO ALL FUTURE OWNERS, RESPECTIVE GUESTS, LICENSEES, INVITEES SERVING THE NEVERSAIL ACRES, AND OTHER PERSONS PROVIDING ESSENTIAL SERVICES TO THE SUBDIVISION, THROUGHOUT THE PERMANENT TERM OF THIS PLAT, AND TO THE COUNTY OF DESOTO BY THIS PLAT.

IN WITNESS WHEREOF THE UNDERSIGNED HAVE HEREIN SET THEIR HANDS AND SEALS THIS DAY OF _____ A.D.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

PRINTED NAME: ALBERT PERRY HOFF
PRINTED NAME: JOAN L. HOFF

STATE OF FLORIDA
COUNTY OF DESOTO
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY MEANS OF [] PHYSICAL PRESENCE OR [] ONLINE NOTARIZATION ON THIS _____ DAY OF _____ A.D. BY ALBERT PERRY HOFF AND JOAN L. HOFF. THEY ARE [] PERSONALLY KNOWN TO ME OR [] PRODUCED AS IDENTIFICATION AND THEY DID TAKE AN OATH.

APPEX SEAL: NOTARY PUBLIC
PRINTED NAME: _____
MY COMMISSION EXPIRES: _____

CERTIFICATE OF APPROVAL OF COUNTY COMMISSION:

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN OFFICIALLY APPROVED FOR RECORDING BY THE COUNTY COMMISSION OF DESOTO COUNTY, FLORIDA, THIS _____ DAY OF _____ A.D.

CHAIRPERSON: _____ DATE: _____
DESOTO COUNTY COMMISSION

DESOTO COUNTY ADMINISTRATOR: _____ DATE: _____
PRINT NAME: _____

CLERK'S CERTIFICATE:

I HEREBY CERTIFY THAT THE PLAT OF NEVERSAIL ACRES SUBDIVISION HAS BEEN REVIEWED BY ME AND FROM MY EXAMINATION I FIND THAT SAID PLAT COMPLIES WITH THE REQUIREMENTS OF CHAPTER 177 OF THE FLORIDA STATUTES. I FURTHER CERTIFY THAT SAID PLAT WAS FILED FOR RECORD THIS _____ DAY OF _____ A.D. AND BEING RECORDED IN MINOR PLAT BOOK _____ PAGE _____ OF THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA.

CLERK OF THE CIRCUIT COURT IN AND FOR DESOTO COUNTY, FLORIDA
DATE: _____

COUNTY SURVEYOR CERTIFICATE:

I KNOW ALL MEN BY THESE PRESENTS, THAT I, THE UNDERSIGNED PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY DESOTO COUNTY, HEREBY CERTIFY THAT I HAVE BELIEVED THIS PLAT FOR CONFORMITY TO CHAPTER 177 OF THE FLORIDA STATUTES AND FIND THAT THE PLAT IS IN CONFORMANCE WITH THE PROVISIONS OF SAID CHAPTER.

RESIDUAL TRAVEL INTERIM COUNTY SURVEYOR: _____ DATE: _____
DESOTO COUNTY, FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA REGISTRATION NO. 5303

PLANNING DIRECTOR APPROVAL:

I HEREBY CERTIFY THAT THIS PLAT HAS BEEN OFFICIALLY APPROVED FOR RECORDING BY THE PLANNING DIRECTOR OF DESOTO COUNTY, FLORIDA, THIS _____ DAY OF _____ A.D.

PLANNING DIRECTOR: _____ DATE: _____
DESOTO COUNTY, FLORIDA

NEVERSAIL ACRES SUBDIVISION

BEING A REPLAT OF PARCEL 4, THOMAS SUBDIVISION,
ACCORDING TO THE PLAT THEREOF AS RECORDED IN MINOR
PLAT BOOK 1, PAGE 52, OF THE PUBLIC RECORDS OF DESOTO
COUNTY, FLORIDA LYING IN SECTION 26, TOWNSHIP 38
SOUTH RANGE 24 EAST, DESOTO COUNTY, FLORIDA

MINOR PLAT BOOK _____ PAGE _____

SCALE: 1" = 100'

NORTH

APPROVED
By R. Hyatt at 11:00 am, November 18, 2024

LEGAL DESCRIPTION (SUBDIVISION)

BEING A REPLAT OF PARCEL 4, THOMAS SUBDIVISION, PLAT BOOK 4, PAGE 21 OF THE PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA.

ALL DISTANCES ARE EXPRESSED IN DECIMAL FEET.

THE PLAT, AS RECORDED IN THE PUBLIC RECORDS OF THE LANDS HEREBY DESCRIBED AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT, THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF DESOTO COUNTY.

LEGAL DESCRIPTION (LOT 1)

BEING A REPLAT OF PARCEL 4, THOMAS SUBDIVISION, AS PER MINOR PLAT BOOK 1, PAGE 21, PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, BEING MORE SPECIALLY DESCRIBED AS FOLLOWS:

THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 38 SOUTH, RANGE 24 EAST, DESOTO COUNTY, FLORIDA, SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD.

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26, THENCE SOUTH 02°21'05" WEST, A DISTANCE OF 484.84 FEET; THENCE NORTH 02°21'05" EAST, A DISTANCE OF 295.00 FEET; THENCE NORTH 02°21'05" EAST, A DISTANCE OF 484.24 FEET; THENCE NORTH 89°52'22" EAST, A DISTANCE OF 299.14 FEET; THENCE NORTH 02°21'05" EAST, A DISTANCE OF 230.85 FEET; THENCE SOUTH 89°52'14" EAST, A DISTANCE OF 484.24 FEET, TO THE POINT OF BEGINNING.

ALONG WITH A 60 FOOT WIDE EGRESS AND EGRESS EASEMENT OVER UNDER AND ACROSS THE WEST 60.00 FEET OF THE SOUTH 181.00 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 38 SOUTH, RANGE 24 EAST, DESOTO COUNTY, FLORIDA, SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD.

LEGAL DESCRIPTION (LOT 2)

BEING A REPLAT OF PARCEL 4, THOMAS SUBDIVISION, AS PER MINOR PLAT BOOK 1, PAGE 21, PUBLIC RECORDS OF DESOTO COUNTY, FLORIDA, BEING MORE SPECIALLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26, THENCE SOUTH 02°21'05" WEST, A DISTANCE OF 295.00 FEET; THENCE NORTH 02°21'05" EAST, A DISTANCE OF 484.24 FEET; THENCE NORTH 02°21'05" EAST, A DISTANCE OF 299.14 FEET; THENCE SOUTH 89°52'22" WEST, A DISTANCE OF 230.85 FEET; THENCE SOUTH 89°52'22" WEST, A DISTANCE OF 484.24 FEET, TO THE POINT OF BEGINNING.

ALONG WITH A 60 FOOT WIDE EGRESS AND EGRESS EASEMENT OVER UNDER AND ACROSS THE WEST 60.00 FEET OF THE SOUTH 181.00 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 38 SOUTH, RANGE 24 EAST, DESOTO COUNTY, FLORIDA, SUBJECT TO RESERVATIONS, RESTRICTIONS AND EASEMENTS OF RECORD.

SURVEYOR'S CERTIFICATE:

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF NEVERSAIL ACRES SUBDIVISION IS A REPLAT OF PARCEL 4, THOMAS SUBDIVISION, OF THE HEREBY DESCRIBED LAND ACCORDING TO A RECENT SURVEY MADE AND PLATTED UNDER MY SUPERVISION AND SUPERVISION, MEETING THE STANDARDS OF PRACTICE FOR SUCH SURVEYS AS SET FORTH IN RULE 61-17 BY THE BOARD OF LAND SURVEYORS, PURSUANT TO CHAPTER 473, FLORIDA STATUTES, AND THAT THE SURVEY DATA SHOWN HEREON COMPLES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES. I FURTHER CERTIFY THAT ALL PERMANENT REFERENCING MONUMENTS, P.A.M.'S, AND LOT CORNERS HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THE PLAT IN ACCORDANCE WITH CHAPTER 177, FLORIDA STATUTES.

R.J. WICKLAND, III
STATE OF FLORIDA REGISTRATION NO. 7307
DATE: _____

Gen 3
LAND SURVEYING, INC.
1940 TOLSON BLVD. SUITE B
PORT CHARLOTTE, FL 33748
(813) 629-5883 L.S. # 4660