

R E S O L U T I O N
NUMBER 2025-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA REPEALING RESOLUTION 2025-127 AND AUTHORIZING AND DIRECTING THE ACQUISITION OF PARCEL HVR-139A AND HVR-139B BY ANY LEGAL MEANS, FOR THE CONSTRUCTION OF ROADWAY AND/OR ROADWAY IMPROVEMENTS IN CONNECTION TO THE HARBORVIEW ROAD WIDENING PROJECT AND TO INCLUDE LANDS NECESSARY FOR ASSOCIATED STORMWATER TREATMENT FACILITIES.

RECITALS

WHEREAS, the improvement of vehicular traffic conditions on roads in Charlotte County, Florida ("County") is a matter of great importance to the County and its citizens; and

WHEREAS, the improvement of Harborview Road in the Harborview Road Widening Project ("Project") is a matter of public safety, particularly in and around the developed residential areas within the Project area, and is a matter of great importance to the County and its citizens; and

WHEREAS, to construct this Project, it is necessary for the County to acquire additional right-of-way and easement interests; and

WHEREAS, the County has located its area of construction and has caused a conceptual right-of-way map to be prepared for the Project, that identifies those areas needed for the Project known to be reasonably necessary for the stated public purpose; and

WHEREAS, Section 127.02, Florida Statutes, allows the County's Board of County Commissioners ("Board") to authorize by resolution the acquisition of interests in real property by condemnation proceedings for any County purpose; and

WHEREAS, Chapters 73 and 74, Florida Statutes, set forth the procedure whereby the County may exercise the power of eminent domain; and

WHEREAS, the Board of County Commissioners of Charlotte County, Florida adopted Resolution 2025-127 on April 22, 2025, as recorded under Instrument number 3519145 in the Public Records of Charlotte County, Florida; and

WHEREAS, the Florida Department of Transportation has provided revised legal descriptions for parcel HVR-139A and HVR-139B as of September 2025; and

WHEREAS, the revision to the legal descriptions necessitates the repeal of Resolution 2025-127; and

WHEREAS, Resolution 2025-127 is hereby repealed and is of no further force or effect; and

WHEREAS, the fee simple interest in Parcel HVR-139A and HVR-139B identified in **Exhibit "A"**, attached hereto and by reference made a part hereof, is required for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

1. It is necessary, serves a County and public purpose, and is in the best interest of the County that Parcels HVR-139A and HVR-139B described in **Exhibit "A"**, be acquired by the County for the Project.

2. Before deciding to exercise its discretion to acquire the above referenced property, the Board has weighed and considered:

- a. the possibility of any alternative route/design;
- b. the cost associated with the Project;
- c. environmental factors; and
- d. planning and safety considerations.

3. The Real Estate Services Manager, or his designee, or the County Attorney, or her designee, are:

- a. authorized to negotiate for the acquisition of any such parcels or easements by any legal means;
- b. authorized to pay for title work, appraisal services, usual and customary closing costs, and the County's legal services;
- c. authorized to request funds from the Clerk of Court and conclude closing transactions; and
- d. required to maintain current records with all associated documentation on each parcel and transaction.

4. For any parcel for which an agreement cannot be reached between the parties, the County Attorney, or her designee, is authorized and directed to institute a suit in the name of the County in the exercise of its power of eminent domain for the acquisition of such necessary estates in said parcel of land including, but not limited to, easements and fee simple interest, and is further authorized and directed to do all things necessary to prosecute such suit to final judgment as authorized by F.S. 73, 74, 127.01, 337.27 and 337.274. Further, the County Attorney, or her designee, is

authorized to sign and file a Declaration of Taking so that the County may utilize the procedures of Chapter 74, Florida Statutes, and is further authorized to accomplish the acquisition in accordance with the terms, limitations and conditions established by the Board.

(SIGNATURE PAGE FOLLOWS)

PASSED AND DULY adopted this 14th day of October, 2025.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
Joseph M. Tiseo, Chairman

ATTEST:
Roger D. Eaton, Clerk of the Circuit
Court and Ex-Officio Clerk to the
Board of County Commissioners

By: _____
Deputy Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By:  _____
Janette S. Knowlton, County Attorney
LR25-0933

Attachments:
Exhibit A – Legal Descriptions of Parcel HVR-139A and HVR-139B

EXHIBIT "A"

PARCEL HVR-139A – Partial Fee Take – Right of Way

LEGAL DESCRIPTION

That portion of the northeast 1/4 of Section 30, Township 40 South, Range 23 East, Charlotte County, Florida.

Being described as follows:

Commence at the northwest corner of the northeast 1/4 of said Section 30; thence along the west line of said northeast 1/4, South 00°16'54" West a distance of 1,687.54 feet to the survey baseline of County Road 776 (Harborview Road); thence along said survey baseline North 52°57'50" East a distance of 1,342.99 feet to the beginning of a curve having a radius of 1,145.92 feet; thence continue along said survey baseline the arc of said curve to the right a distance of 265.62 feet through a central angle of 13°16'52" with a chord bearing North 59°36'17" East and a chord distance of 265.03 feet to the end of said curve; thence North 23°45'17" West a distance of 92.84 feet for a POINT OF BEGINNING; thence North 89°57'49" West a distance of 382.91 feet; thence North 01°06'03" East a distance of 208.38 feet; thence North 90°00'00" East a distance of 145.91 feet; thence South 00°00'00" East a distance of 74.19 feet; thence South 44°57'00" East a distance of 23.56 feet; thence South 89°53'59" East a distance of 241.36 feet; thence South 00°00'00" East a distance of 117.31 feet; thence North 89°57'49" West a distance of 25.00 feet to the POINT OF BEGINNING.

Containing 1.406 acres

AND

PARCEL HVR-139B – Partial Fee Take – Right of Way

LEGAL DESCRIPTION

That portion of the northeast 1/4 of Section 30, Township 40 South, Range 23 East, Charlotte County, Florida.

Being described as follows:

Commence at the northwest corner of the northeast 1/4 of said Section 30; thence along the west line of said northeast 1/4, South 00°16'54" West a distance of 1,687.54 feet to the survey baseline of County Road 776 (Harborview Road); thence along said survey baseline North 52°57'50" East a distance of 1,342.99 feet to the beginning of a curve having a radius of 1,145.92 feet; thence continue along said survey baseline the arc of said curve to the right a distance of 288.03 feet through a central angle of 14°24'06" with a chord bearing North 60°09'54" East and a chord distance of 287.28 feet to the end of said curve; thence North 01°15'09" East a distance of 76.13 feet for a POINT OF BEGINNING; thence North 89°57'49" West a distance of 2.88 feet to the beginning of a curve having a radius of 1,425.02 feet; thence along the arc of said curve to the right a distance of 3.12 feet through a central angle of 00°07'32" with a chord bearing North 68°45'44" East and a chord distance of 3.12 feet to the end of said curve; thence South 01°15'09" West a distance of 1.13 feet to the POINT OF BEGINNING.

Containing 2 square feet