

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 2025-096 AND AUTHORIZING AND DIRECTING THE ACQUISITION OF PARCEL HVR-103A AND HVR-103B 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 2025-096 on April 22, 2025, as recorded under Instrument number 3519034 in the Public Records of Charlotte County, Florida; and

WHEREAS, the Florida Department of Transportation has provided revised legal descriptions for parcel HVR-103A and HVR-103B as of September 2025; and

WHEREAS, the revision to the legal descriptions necessitates the repeal of Resolution 2025-096; and

WHEREAS, Resolution 2025-096 is hereby repealed and is of no further force or effect; and

WHEREAS, the fee simple interest in Parcel HVR-103A and HVR-103B 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-103A and HVR-103B 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-103A and HVR-103B

PARCEL HVR-103A – Partial Fee Take - Road Right-of-Way

LEGAL DESCRIPTION

That portion of Lot 1, Block B, Charlotte Acres, a subdivision lying in Section 25, Township 40 South, Range 22 East, as per plat thereof recorded in Official Records Plat Book 2, Page 83, Public Records of Charlotte County, Florida.

Being described as follows:

Commence at the southeast corner of the northeast 1/4 of said Section 25, said corner also being the northeast corner of the southeast 1/4 of said Section 25; thence along the east line of said southeast 1/4, South 00°09'22" West a distance of 7.77 feet to the survey baseline of County Road 776 (Harborview Road) and to the beginning of a curve having a radius of 2,864.79 feet; thence along said survey baseline the arc of said curve to the left a distance of 210.05 feet through a central angle of 04°12'04" with a chord bearing South 84°36'51" West and a chord distance of 210.00 feet to the end of said curve; thence continue along said survey baseline South 82°30'49" West a distance of 644.56 feet; thence South 00°49'20" West a distance of 60.44 feet to the intersection of the south existing right of way line of said County Road 776 (per Section 01560-2601) and the west existing right of way line of County Road 776A [(Melbourne Street also known as Harbor Drive per said plat) per Official Records Book 1651, Page 733, Public Records of Charlotte County, Florida] for a POINT OF BEGINNING; thence along said west existing right of way line continue South 00°49'20" West a distance of 121.07 feet; thence North 13°46'56" West a distance of 78.74 feet to the beginning of a curve having a radius of 41.83 feet; thence along the arc of said curve to the left a distance of 37.33 feet through a central angle of 51°07'22" with a chord bearing North 39°20'37" West and a chord distance of 36.10 feet to the end of said curve; thence North 64°54'18" West a distance of 19.12 feet to the beginning of a curve having a radius of 54.83 feet; thence along the arc of said curve to the left a distance of 36.52 feet through a central angle of 38°09'32" with a chord bearing North 83°59'04" West and a chord distance of 35.85 feet to the end of said curve; thence North 79°10'50" West a distance of 38.21 feet to said south existing right of way line; thence along said south existing right of way line North 82°30'49" East a distance of 99.29 feet; thence continue along said south existing right of way line South 66°37'44" East a distance of 38.61 feet to the POINT OF BEGINNING.

Containing 3,832 square feet

PARCEL HVR-103B – Partial Fee Take - Road Right-of-Way

LEGAL DESCRIPTION

That portion of Lot 2, Block B, Charlotte Acres, a subdivision lying in Section 25, Township 40 South, Range 22 East, as per plat thereof recorded in Official Records Plat Book 2, Page 83, Public Records of Charlotte County, Florida.

Being described as follows:

Commence at the southeast corner of the northeast 1/4 of said Section 25, said corner also being the northeast corner of the southeast 1/4 of said Section 25; thence along the east line of said southeast 1/4, South 00°09'22" West a distance of 7.77 feet to the survey baseline of County Road 776 (Harborview Road) and to the beginning of a curve having a radius of 2,864.79 feet; thence along said survey baseline the arc of said curve to the left a distance of 210.05 feet through a central angle of 04°12'04" with a chord bearing South 84°36'51" West and a chord distance of 210.00 feet to the end of said curve; thence continue along said survey baseline South 82°30'49" West a distance of 603.13 feet to an intersection with the survey baseline of County Road 776A (Melbourne Street also known as Harbor Drive per said plat); thence along said survey baseline of County Road 776A, South 00°48'05" West a distance of 200.01 feet; thence North 89°08'15" West a distance of 31.07 feet to the west existing right of way line of said County Road 776A (per said plat) and to the northeast corner of said Lot 2 for a POINT OF BEGINNING; thence along said west existing right of way line and the east line of said Lot 2, South 00°49'20" West a distance of 73.90 feet; thence North 04°23'29" West a distance of 74.21 feet; thence South 89°08'15" East a distance of 6.74 feet to the POINT OF BEGINNING.

Containing 249 square feet