

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

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA AUTHORIZING AND DIRECTING THE ACQUISITION OF PARCEL HVR-109 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 fee simple interest in Parcel HVR-109 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 Parcel HVR-109 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. That 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 22nd day of April, 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
LR25-0229

Attachments:

Exhibit A – Legal Description of Parcel HVR-109

EXHIBIT "A"

PARCEL HVR-109 – FULL FEE TAKE – Retention Pond

LEGAL DESCRIPTION:

Parcel 1

Certain property in Charlotte County, Florida, beginning on the Southeast corner of said property described in deed recorded in O.R. Book 90, page 655, thence South to Harbor View Road, thence West along Harbor View Road and distance of 80 feet, thence North to the Southerly lot line of the property described by deed recorded in O.R. Book 90, page 655, Public Records of Charlotte County, Florida, thence East, running along the Southerly lot line to the Point of Beginning. Lying and Being in Section 30, Township 40 South, Range 23 East, of the Public Records of Charlotte County, Florida. Less and Except any portion of the above tract within the right of way of Harbor View Road.

Parcel 2

Beginning at the SW Corner of the NW 1/4 of Section 30, Township 40 South, Range 23 East, go South 89°33'20" East for 990 feet to a Point of Beginning; thence North 200 feet; thence South 89°33'20" East for 50 feet; thence South for 200 feet; thence along the quarter section line North 89°33'20" West for 50 feet to the Point of Beginning. Lying and Being in Section 30, Township 40 South, Range 23 East, of the Public Records of Charlotte County, Florida. Less and Except any portion of the above tract within the right of way of Harbor View Road.

Parcel 3

That portion of Lot 14 of the Map or Plat entitled Manor Oaks as recorded in Plat Book 7, Page 13 of the Public Records of Charlotte County, Florida, and said portion of Lot 14 being more particularly described as follows:

Commencing at the northwesterly corner of the said Lot 14, thence South, along the Westerly line of the said Lot 14, a distance of 81.15 feet to the Point of Beginning; thence, continuing South, a distance of 33.85 feet to the Southwesterly corner of the said Lot 14, and said corner also being the Southwesterly corner of the said Manor Oaks; thence N. 88°25'38" E., along the Southerly line of the said Lot 14, a distance of 50.02 feet to a point from which the Southeasterly corner of the said Lot 14 bears S. 88°25'38" E., 113.98 feet distance therefrom, thence North, parallel to the said Westerly line of Lot 14 and 50.00 feet distance therefrom, a distance of 29.34 feet to a point on an agreed common property line, thence N. 86°24'24" W., along said agreed common property line, a distance of 50.10 feet to the Point of Beginning.

Containing 21,377 square feet

Property Account No: 402330156024