

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 2025-122 AND AUTHORIZING AND DIRECTING THE ACQUISITION OF PARCEL HVR-133 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 2025-122 on April 22, 2025, as recorded under Instrument number 3519140 in the Public Records of Charlotte County, Florida; and

WHEREAS, the Florida Department of Transportation has provided revised legal descriptions for parcel HVR-133 as of September 2025; and

WHEREAS, the revision to the legal descriptions necessitates the repeal of Resolution 2025-122; and

WHEREAS, Resolution 2025-122 is hereby repealed and is of no further force or effect; and

WHEREAS, the fee simple interest in Parcel HVR-133 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-133 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.

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 Description of Parcel HVR-133

EXHIBIT "A"

PARCEL HVR-133 – Partial Fee Take - Road Right-of-Way

LEGAL DESCRIPTION

That portion of the northeast 1/4 and that portion of Lot 4, Block 45, Harbor View, De Coster's Addition, a subdivision recorded in Official Records Plat Book 1, Page 24, and that portion of Rowland Drive, all lying in Section 30, Township 40 South, Range 23 East, Public Records of 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 837.71 feet; thence North 00°44'12" East a distance of 50.60 feet to the north existing right of way line of said County Road 776 (per Section 01560-2601) for a POINT OF BEGINNING; thence along said north existing right of way line South 52°57'50" West a distance of 23.07 feet to the east line of Eagle Lakes Estates Condominium (per Condominium Plat Book 7, Page 35A, Public Records of Charlotte County, Florida); thence along said east line North 01°06'03" East a distance of 128.01 feet; thence South 89°29'45" East a distance of 17.41 feet; thence South 00°44'12" West a distance of 64.68 feet; thence South 37°15'12" East a distance of 13.22 feet; thence North 53°03'54" East a distance of 389.61 feet to the beginning of a curve having a radius of 1,414.34 feet; thence along the arc of said curve to the right a distance of 318.43 feet through a central angle of 12°54'00" with a chord bearing North 59°30'54" East and a chord distance of 317.76 feet to the end of said curve; thence North 00°00'00" East a distance of 38.75 feet; thence South 89°57'49" East a distance of 25.00 feet; thence South 00°00'00" East a distance of 12.85 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 34.27 feet through a central angle of 01°22'41" with a chord bearing North 68°00'37" East and a chord distance of 34.27 feet to the end of said curve; thence South 89°57'49" East a distance of 2.88 feet to the northwest corner of said Lot 4 and to the south line of Lime Street (per said plat); thence along said north line and said south line South 88°59'54" East a distance of 34.19 feet; thence South 19°54'26" East a distance of 5.74 feet to the beginning of a curve having a radius of 1,403.72 feet; thence along the arc of said curve to the right a distance of 15.23 feet through a central angle of 00°37'18" with a chord bearing North 70°24'01" East and a chord distance of 15.23 feet to said north line and said south line and to the end of said curve; thence along said north line and said south line, South 88°59'54" East a distance of 36.16 feet to said north existing right of way line and to the beginning of a curve having a radius of 1,185.92 feet; thence along said north existing right of way line the following five (5) courses; 1) the arc of said curve to the left a distance of 92.71 feet through a central angle of 04°28'46" with a chord bearing South 70°27'31" West and a chord distance of 92.69 feet to the end of said curve and the beginning of a curve having a radius of 1,185.92 feet; 2) the arc of said curve to the left a distance of 315.75 feet through a central angle of 15°15'17" with a chord bearing South 60°35'29" West and a chord distance of 314.82 feet to the end of said curve; 3) South 52°57'50" West a distance of 454.28 feet; 4) North 40°57'14" West a distance of 23.77 feet 5) South 00°44'12" West a distance of 30.00 feet to the end of said courses and to the POINT OF BEGINNING.

Containing 22,662 square feet.